

A

COMPENDIUM OF THE LAWS

RECENTLY PASSED FOR
REGULATING THE TRADE
WITH THE
EAST INDIES.

THE DUTIES OF CUSTOMS AND EXCISE
ON GOODS IMPORTED FROM THENCE;

THE DRAWBACKS ALLOWED ON THEIR EXPORTATION; AND THE DUTIES
PAYABLE ON BRITISH AND FOREIGN MERCHANDISE EXPORTED TO

The East Indies and China:

WITH
A cursory Description of the chief Articles of Import
from those Parts.

TO WHICH ARE SUBJOINED,
SCHEDULES OF RATES CHARGED BY THE EAST INDIA COMPANY FOR THE
MANAGEMENT OF GOODS IMPORTED BY PRIVATE MERCHANTS;
OF DOCK DUES, &c. &c

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ADVERTISEMENT.



A NEW arrangement made in a very important branch of the Commerce of the Country, by partially laying open the India Trade to private individuals, has produced a variety of additional regulations for the security of the revenue, as well as a new schedule of duties on commodities imported from the East Indies and China. As the trade with those parts has hitherto remained in the hands of a chartered Company, the mercantile world is not generally acquainted with the nature of the traffic with the East,* nor familiar with the practice and regulations of the revenue in regard to East India imports, owing to the intervention hitherto of the East India Company between the merchant and the Crown. In the work here presented to the Public, the Author has endeavoured to furnish the most material points of necessary information to the merchant and private trader under the new system, with the impression that, after an experience of more than twelve years in the East India Department of the Customs, he cannot be altogether disqualified for the task.

* A variety of very useful information upon every point connected with the trade with India, may be obtained from MILBURN'S ORIENTAL COMMERCE, 2 vols. 4to, 1813.—See the advertisement at the end.

Of this work, in which brevity, as well as perspicuity, has been studied by the Author, the FIRST PART contains a summary of the Laws recently passed for regulating the East India Trade; with which are blended the provisions of former Acts, as often as they are referred to, or bear upon the subject: likewise various restrictions and prohibitions applicable to particular articles, arranged in alphabetical course.

The SECOND PART consists of Tables of Duties on Goods imported from India and China; of Drawbacks allowed on their exportation; and of Duties on British and Foreign Merchandise exported to India and China. In the first Table, for the convenience and information of the merchant, the Author has arranged in alphabetical order with the rated goods, various articles which are *unrated*, or not specifically described: referring in all such cases to the general heads under which those articles are classed.

The inconveniences often experienced in business from ignorance of the nature, distinctions, origin, and use of foreign commodities, have induced the Author to add a THIRD PART, containing a concise description of the principal articles imported from India. These descriptions, although necessarily slight and superficial, (except where doubt or ambiguity existed), comprehend, in general, the origin of the articles, their uses, and most obvious marks of quality or discrimination. They have been extracted from the most authentic sources,* with a few corrections and supplements suggested by the Author's own observation.

* Viz. *Encyclopédie, ou Dictionnaire Raisonné des Sciences, &c.* 1765; Lemery, *Dict. Univ. des Drogues simples*; *Encyclop. Britan.*; Rees' *Cyclop.*; Aikins' *Dict. of Chemistry*; &c.

The Tables subjoined consist of a Schedule of charges by the East India Company for undertaking the management of goods imported by private merchants, under a new system; a Table of Charges, fixed by the Court of Directors, upon Baggage, Wine, and Presents, brought from India; and a Schedule of Rates due to the East India Company.

56, *Commercial Chambers, Mincing Lane,*

25th March, 1814.

Since the following sheets have been printed, the provision of the late Acts, which regard the ascertaining of the values of East India Goods, and the payment of the Warehousing thereon, have been modified, and better adapted to answer the purposes; viz.

The values of Goods charged with Duties in Table A, reported by the East India Company, is not to be ascertained by declaration of the value, as directed by 54 Geo. III. cap. sec. 25, (See page 21), but according to the gross price at which they shall have been sold at the East India Company's sales, *Board's Minute, 3d March, 1814.*

The following modifications, relative to the Warehousing Duty, which will form the basis of a new explanatory Bill to be shortly submitted to Parliament, have likewise been directed by the Treasury. *Letter, 28th Feb. 1814; viz.*

1. The Warehousing Duty to be paid by the East India Company in all cases, as usual, on Goods imported by them, & sold at their sales, either before or after the 10th of April, 1814.

2. The above Duty to be charged on Goods so imported & sold, on the gross price at which they shall have been sold at the East India Company's sales, and not otherwise.

3. Such Goods which shall have been sold at the East India Company's sales on or before the 10th of April, 1814, and which may remain in the Warehouses after that day, shall be charged with the Warehousing Duty due at the time of such sales, and no other, provided such Goods be cleared from the Warehouses for *exportation* on or before the 1st of August, 1814; and any such Goods which shall not have been so cleared, shall be liable to the duties imposed thereon in Table A. of Act 54, Geo. III. cap. 36, in addition to any duties previously charged on such goods.

P A R T I.

THE

LAWs AND REGULATIONS

CONCERNING THE

TRADE WITH INDIA.

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* * The East India Company have published the following directions respecting *Licenses*:

All persons requiring Licenses for any vessel under 53 Geo. III. cap. 155, or 54 Geo. III. cap. 36, must address their applications, in writing, to the Court of Directors, at the East India House, London; and such applications must contain the name of the person to whom the license is required to be granted, the name, built, and registered measurement of the vessel, with the name of her master, and the port to which she belongs; also the port from which she is to clear out. If any application be made for a vessel to proceed to any place other than one of the Company's principal settlements, the License will be special, and the ~~special~~ reason for applying for it must be stated to the Court.

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PART I.

THE LAWS AND REGULATIONS CONCERNING

The Trade with India.

*An Abstract of the Laws recently passed for regulating
the Trade with the East Indies.*

THE period during which the East India Company were permitted by 33 Geo. III. cap. 52, to carry on an exclusive trade with India, and the limits * described in their charter, having expired, the Legislature has deemed it expedient (in renewing the said charter for a further period) to admit other persons to a participation in the trade to those parts, under certain securities and limitations. As it is not easy, from the diffuse style of an Act of Parliament, to comprehend clearly those regulations which are strictly of a commercial nature, and apply peculiarly to the merchant and trader, it may be useful to exhibit a succinct view of the conditions, regulations, and restrictions, under which the trade with the East Indies is directed to be hereafter carried on by the Acts lately passed in that behalf, namely, 53 Geo. III. cap. 155, 54 Geo. III. cap. 34, 35, 36.

* These limits are thus defined by 9 and 10 William III. cap. 44. "The countries and parts of Asia and Africa, and the islands, ports, havens, creeks, towns, and places of Asia, Africa, and America, or any of them, beyond the Cape of Bon Esperanza (Good Hope), to the Straits of Magellan,

It must be premised, that the right of trading with CHINA is still exclusively vested in the East India Company, for a further period of twenty years,* in the same manner as heretofore; and likewise of trafficking in the article of TEA with any places between the Cape of Good Hope and the Straits of Magellan.—Tea may only be imported by the East India Company, or by their special license. Any vessel not belonging to, or employed by them, found on the high seas, or discovered to have been within the limits of their charter, having on board more than six pounds of Tea, (except for the use of the persons on board, not exceeding one pound for each person,) is subject to forfeiture, as well as the Tea, and packages containing it.—None but the Company (without their special license,) may carry MILITARY STORES to any place upon the Continent of Asia, between the River Indus and Town of Malacca inclusive, or in any island under their government, north of the equator, or to their factory of Bencoolen, in the Island of Sumatra, or its dependencies.

These exceptions being always understood, and under the conditions and regulations hereafter described, ANY OF HIS MAJESTY'S SUBJECTS may, after the 10th of April, 1814, in common with the East India Company, export goods, wares, and merchandise to places within the limits of the Company's charter, from any port in the United Kingdom; and may import goods, wares, and merchandise from those places into such ports only as shall be declared fit and proper for their deposit and safe custody, by Order in Council, published at least three times in the Gazettees of London and Dublin respectively.†

* Viz. Upon three years' notice, at any time after the 10th of April, 1891, and payment of what is due from the Public to the Company, their further term and right of exclusive trade cease; but they may thenceforward, in common with other subjects of His Majesty, carry on a free trade with their joint stock as a Corporation.

† In all cases the goods must be such as can be legally exported and imported. But goods the product or manufacture of any places within the

No vessel (except Company's packets) may be employed in this trade, the registered measurement of which shall be less than 300 TONS *

Vessels engaged in private trade may not proceed within certain limits—namely, to places situate on the Continent of Asia, from the Indus to the town of Malacca inclusive, or in any island under the Company's government north of the equator, or to their factory of Bencoolen, or its dependencies,—without a LICENSE, to be granted, on application, by the Court of Directors of the East India Company. such vessels may then proceed only to the principal settlements of Fort William, Fort St. George, Bombay, and Prince of Wales's Island. For any places other than principal settlements within the limits just described, SPECIAL LICENSES must be obtained from the Court of Directors; and in case the Court shall, at the expiration of fourteen days from the receipt of any application for such special license, decline to comply therewith, the Board of Commissioners for the Affairs of India may, if they think fit, require the said Court forthwith to issue the same, upon such conditions as the Court may suggest, and the Board of Controul approve.—No vessels engaged in private trade may proceed to any other places further to the northward than 11 deg. S. lat. and between 64 and 150 deg. E. long. without a LICENSE from, the Board of Controul, who are required to publish rules and regulations for the granting of such licenses.

Vessels engaged in the SOUTHERN WHALE-FISHERY may sail for that purpose in all the seas to the eastward of the Cape of Good Hope, and to the westward of the Straits of Magellan, under

limits may be imported, although not of the growth or manufacture of the place from whence brought, or shipped from the port where such goods are usually laden, notwithstanding the Navigation Act, 12 Car. II cap. 18.

* The ships must be navigated according to law. But Private Traders, as well as the East India Company, may employ India-built ships, without their being subject to other duties and regulations than British-built ships, till 1st of January, 1815

the following limitations: Such vessels may not pass further to the northward than 11 deg. S. lat. and between 64° and 150° E. long.—nor be of less burthen than 350 tons,—nor go to any place upon the Continent of Asia, from the Indus to the town of Malacca inclusive, or in any island under the Company's government north of the equator, or to their factory at Bencoolen, or its dependencies,—without a license, in either case respectively, from the Board of Controul, specially authorizing the same.

Private Traders may, in common with the East India Company, carry on circuitous trade, (under the foregoing restrictions) in voyages to and from the United Kingdom, and places within the limits of the Company's charter, with any intermediate ports situate in North and South America, (except His Majesty's colonies and plantations in America,) and with the Island of Madeira, the Canaries, and Cape de Verd Islands, St. Helena, and the Cape of Good Hope;* and for that end may discharge the whole or part of the cargo at such intermediate ports, and take on board other goods; and may carry on trade directly or circuitously between the places situate within the limits of the Company's charter, subject to the regulations in regard to trade established by the Company's Governments in India.

None of His Majesty's subjects may (during the Company's further term) resort to, or reside at, the East Indies, without a LICENSE OR CERTIFICATE,† (which may be vacated by the Governments in India in cases of misconduct,) under pain of being subject to all the penalties ‡ imposed on illicit traders; unless the

* The Cape of Good Hope to be deemed within the limits of the charter, so far as regards the circuitous trade between ports and places within the said limits, but not for other purposes.

† The counterfeiting whereof is punishable by the Governments in India with fine and imprisonment.

‡ For which see 33 Geo. III. cap. 52, s. 129 et seq. The Governments in India may punish, in a summary way, persons found in India without license, or exceeding the terms of their license.

ships be driven by stress of weather, or other inevitable accident, within the proscribed limits. But any persons may proceed to, and reside at, (for lawful purposes) places situate more to the southward than 11 deg. S. lat. or more to the westward than 64, or to the eastward than 150 deg. E. long. without any license whatsoever.*

No vessel engaged in Private Trade may clear out, or be admitted to entry, in any port of the United Kingdom, or any place under the Government of His Majesty or the Company, situate more to the northward than 11 deg. S. lat. and between 64 and 150 deg. E. long. before the Master or Commander shall have made out and exhibited to the proper officer at the port of clearance, on oath, a LIST of the names and descriptions of all PERSONS embarked on board, and of all ARMS put on board the ship; together with the times when, and places where, any of the persons may have died, or left the ship, or any of the arms been disposed of, during the voyage. Copies of such lists, when received in England, must be transmitted by the officer receiving them to the Secretary of the Court of Directors; and when received in India, to the Chief Secretary of the Government to which the port shall be subject.

The MANIFESTS of the cargoes of ships arriving from places within the limits of the Company's charter,† from the Cape of Good Hope, or the Island of St. Helena, must contain, in writing, and signed by the Master or Commander, the following particulars;‡ namely, The name of the ports where the goods were

* For other provisions respecting the residence of persons in the East Indies, see 53 Geo III cap. 155, s. 58, *et seq.*

† The manner of manifesting goods imported by the East India Company from China remains as before; namely, the manifests to be delivered to, and authenticated by, the Company's chief supracargo. See 27 Geo III. cap. 32.

‡ The shippers of goods must deliver to the Master, at the time of shipment, lists, signed with their names, containing the marks and numbers of the several packages, which particulars he must insert in the manifest, annexing the original lists to the duplicate manifest.

taken on board; the name and built of the ship, the tonnage, and the port to which it belongs; and a true and particular account of the cargo, with the marks, numbers, and description of the packages;* likewise the names (when known) of the consignees, and the time and place of receiving the goods on board; distinguishing such as are stowed in the hold, from what are stowed in other parts of the ship: any alteration subsequently made in the stowage, by removing goods from one part of the ship to another, must be registered, with the date, in the Master's log-book, and also in a supplementary manifest, to be attached to the original.

Before the vessel departs from her port of lading, the Master must deliver (and verify upon oath) the manifest to the officer appointed by the Government for that purpose, who must cause a duplicate thereof to be made, and endorse upon the original his name, and the date when produced to him: the original manifest to be returned to the Master, and the duplicate to be transmitted by the said officer, under his hand and seal, to the Commissioners of the Customs in England or Scotland, as the case may require.

When a vessel, after departing from the first port of lading, proceeds to another port, and receives on board other goods, the Master must prepare an additional manifest, which must be delivered, authenticated, and a duplicate transmitted, as in the first instance; and should any such vessel discharge a part of her cargo, the officer before mentioned must endorse upon the manifest an account thereof, specifying marks, numbers, and descriptions; and must verify the same, and transmit a duplicate of such endorsement, as required in cases of manifest.

* The Masters of vessels touching, in the course of the home-

* Conformably to the Manifest Act, 26 Geo. III. cap. 40, the regulations of which (except where altered by the new provisions) remain in force. By this Act, masters of ships permitting goods to be thrown overboard, or destroyed, after arrival in any British port, or within four leagues of the coast, (except in cases of necessity) incur a penalty of £200.

ward voyage, at the Cape of Good Hope, or at St. Helena, must produce to the officer appointed for that purpose the original manifests duly authenticated, and again verify them upon oath; and the said officer must, upon the clearing of the ships, immediately transmit duplicates to the Commissioners of the Customs.* In case any vessel shall not touch at either of those places, or shall afterwards touch at any other place, the Master must produce the original manifest to the officer at the port † from whence he shall take his departure for Great Britain; who must proceed in the same manner as at the Cape of Good Hope and St. Helena.

Any articles imported into Great Britain from any of the ports or places before mentioned, without a manifest, as before described, or which shall not be included therein, or shall not agree therewith, will be forfeited, and may be seized by any officer of customs, notwithstanding such articles may have been included in the *Report* of the ship; and, moreover, the Master will incur the penalty of £50 for every package so imported.‡

The HATCHES of all vessels arriving in Great Britain from any of the places before mentioned, must be secured under the joint locks of the Master, and the officers of the revenue; and no hatch may be opened but in the presence of such officers. Any officer refusing or neglecting to attend, after due notice, at the opening or locking up of the hatches, to forfeit for every such offence £100.

The foregoing regulations apply as well to vessels employed by the East India Company, as to those engaged in private trade.

The WAREHOUSING of goods imported from the East Indies is regulated as follows:

* When other goods are taken on board at either of those places, separate manifests must be prepared and authenticated, according to the form just before prescribed.

† If the port be not under British government, the duties of the officer must be performed by the British Consul resident at such foreign port.

‡ In lieu of former penalties imposed by 26 Geo. III. cap. 40.

All such goods brought into any of those ports (other than London) which shall be declared proper for their reception, either by the East India Company, or by other persons, must be lodged and secured in warehouses approved by the Commissioners of the Customs, subject to the regulations of 43 Geo. III. cap. 132,* and subsequent Warehousing Acts. But no articles manufactured of SILK, HAIR, or COTTON WOOL, or *any mixture thereof*, brought into such ports, can be taken out of the warehouses, except for exportation. The Lords of the Treasury may, however, permit such articles, which may have been imported into an out-port, to be removed to London, under the regulations of 50 Geo. III. cap. 64,† for sale for home consumption;‡ there to be deposited in the warehouses of the East India Company, and put up at their public sales; as is requisite when such articles are brought directly into that port.

When articles exposed to public sale by the Company shall be *bought in* by the owners, they are to be delivered out to them with all convenient speed, without the sale amount being advanced, upon payment of the King's duties, and a commission, or duty, to the Company of £3 per Cent. on the sale price, in consideration of care and management.§

* By which Act, among other provisions similar in effect to those of 39 Geo. III. cap. 59, it is required, that, previous to exportation, goods must be re-examined, and the duty paid on deficiencies; that upon excess of weight, occasioned by the weather, the home-consumption duties must be paid; that goods must be taken out of the warehouses in the packages in which they were imported, except coffee and cocoa-nuts, which may be repacked for exportation in packages of not less than 4 cwt.

† Namely, the packages must be marked with the contents; entry must be made, and bond given to deliver the goods safe; and a certificate thereof must be produced within three months from the date of the bond.

‡ But no law, by which any goods are prohibited to be used or consumed in Great Britain, is repealed, or to be dispensed with. 54 Geo. III. cap. 36, s. 37.

§ The repeal (with the above exception) of the Company's duties on imports from India, does not extend to articles brought in their ships from China, nor affect any engagements of the Company with their servants.

Goods imported from the East Indies into the PORT OF LONDON, (as well as articles removed thither from any other port), if by the East India Company, may be lodged in their warehouses as formerly, if by Private Traders, must be secured either in warehouses belonging to the Company, or in any other warehouses approved by the Commissioners of the Customs, under the usual regulations.

The RATES due to the East India Dock COMPANY* must be paid before the delivery of the goods, and in case any goods shall be cleared from the ship before the rates have been fully discharged, the Dock Company may send them to the warehouses of the East India Company, to be sold at their public sales on account of the proper owners, the rates due to the Dock Company, and the reasonable expenses attending the transit, to be deducted from the proceeds.

East India goods may be imported into Great Britain from IRELAND under the same conditions, and subject to the same duties and regulations, as if brought directly from India.

The modes in which the duties are directed to be paid, and the values ascertained, with a few minor points, will be more clearly understood by being inserted in the *Table of Duties, Part II.*

EXTRACTS FROM THE STATUTES;
Containing miscellaneous Regulations applicable to Goods imported from the East Indies.

AD VALOREM DUTIES.—Articles subject thereto, when undervalued on the entry inwards,† may be taken by the officers of Customs to His Majesty's warehouse, upon paying to the proprietor 10 per cent. in addition to his value: the duties

* Granted by 43 Geo. III and 45 Geo. III (Private Acts.)

† In the entry outwards, this regulation has been altered by 49 Geo. III, cap. 98.

to be repaid to him. 5 Geo. III. cap. 43. 27 Geo. III. cap. 13.

ARRACK—to be subject to the same regulations as Brandy, and other Spirits. 7 Geo. II. cap. 14.—Not to be imported in vessels containing less than 60 gallons, under penalty of forfeiture. 9 Geo. II. cap. 35.

ARRANGOES, Cowries, and coarse printed Callicoes, may be imported by the East India Company, for the African market, from any part of Europe not within His Majesty's dominions; subject to the same duties and regulations as if imported from India. 5 Geo. III. cap. 30.—*Arrangoes* and *cowries* may be removed by land carriage from London to any outport for exportation to Africa. 43 Geo. III. cap. 68. [The abolition of the Slave Trade has rendered both these laws nugatory.]

BEEF or Pork re-imported, to be forfeited, and a penalty of 40s. paid by the importer or proprietor. 5 Anne, cap. 29.

CANDLES—not to be imported from any parts beyond seas in packages containing less than 224 lbs. nett, on pain of forfeiture. 23 Geo. II. cap. 21. 42 Geo. III. cap. 93.—The former Act subjects the Master of the ship to the penalty of £50.

COFFEE.—Dirt and trash may be separated therefrom, and destroyed, by order of the Commissioners of Customs, at the request of the importers or buyers, without prejudice to the revenue. 10 Anne, cap. 26.—not to be imported in packages containing less than 112 lbs. nett, under penalty of forfeiture. 42 Geo. III. cap. 93; but by 48 Geo. III. cap. 120, the legal size of the package is reduced to 100 lbs. nett, and upwards.—Damaged Coffee may be separated, and repacked. 52 Geo. III. cap. 149.

CURRENTS—not to be imported otherwise than loose in hogsheads, or other casks, (not in bags, or other packages), containing 560 lbs. nett, under penalty of forfeiture. 23 Geo. III. cap. 11.

DAMAGED Goods.—The Commissioners of the Customs may au-

thorize their officers to examine goods damaged during the voyage, (proof thereof being first obtained), and to certify what damage they may have received, and how much they are lessened in their true value, in relation to the duty. The Commissioners may then direct a just and reasonable abatement of the duties to be made to the importer. If he be dissatisfied, or the officers incompetent to determine, the damage and depreciation before mentioned are to be ascertained (as directed by 27 Geo III. cap. 18), by the declaration of two indifferent merchants upon oath. 33 Geo. III. cap. 70.—The allowance for damage must never exceed $\frac{1}{4}$ th parts.

DRAFT—the allowance upon weighable goods so called, discontinued after the 5th July, 1803 * 43 Geo. III. cap. 68.

GENEVA—not to be imported in vessels containing less than 60 gallons, under penalty of forfeiture 5 Geo. III. cap. 43. See **SPIRITS**.

GLASS—not to be imported in any package whatever, containing less than 5 cwt. nett, under penalty of forfeiture (except plates of glass of the length of 60 inches and upwards).

* 38 Geo. III. cap. 33.—Every package containing plate, crown, or sheet glass, unframed, to be marked with the words “Plate Glass,” “Crown Glass,” or “Sheet Glass,” as the case may be, under penalty of forfeiture, with the package, and whatever else it may contain: and any such glass,

* This and a similar allowance, called *super-tare*, have been continued by the East India Company to the buyers of goods at their sales. They are as follows

For every package whose tare exceeds 28 lbs draft 1 lb
super-tare 1 lb.

For every package whose tare is less than 28 lbs. draft 1 lb.

For every ton weight of wood (loose) draft 6 lbs.

In this proportion, therefore, will be the difference between the Company's weight and that of the Customs.

inclosed in packages containing other goods, to be forfeited, and double the value. 45 Geo. III. cap. 122.

HAIR POWDER—not to be imported in packages containing less than 224 lbs. nett, under penalty of forfeiture, and £50 to be paid by the Master of the ship. 36 Geo. III. cap. 6.

HIDES and Skins tanned, tawed, or dressed, when imported, to be stamped by the officers of customs. 9 Anne, cap. 11.

PAPER, printed, painted, or stained, for hangings, to be stamped, to denote the measure, and payment of the duties, by the officers of customs. All such paper found unstamped may be seized, and the possessor to forfeit 50. 32 Geo. III. cap. 54.

PEPPER may be sifted and ground to make it merchantable. 8 Anne, cap. 7.—Dirt and trash found in pepper may be destroyed, by order of the Commissioners of Customs, at the request of the importers or buyers, without prejudice to the revenue. 10 Anne, cap. 26.

PRIZE Goods, the produce of the East Indies or China, must be deposited in the warehouses of the East India Company, or in warehouses approved by the Commissioners of Customs, and sold at the public sales of the Company, subject to the same duties and regulations as goods imported by them 54 Geo. III. cap. 36, sec. 30.

PROHIBITED GOODS.—The following arrangement will exhibit the names of the articles, the circumstances and extent of the prohibitions, and the penalties incurred, viz.

Absolutely prohibited to be imported:

CARDS and Dice. 3 Edw. IV. cap. 4, confirmed by 10 Anne, cap. 19.

CROSSES, Pictures, Beads, and other superstitious things of the Romish Church. Importer to incur the pains of a *præmunire*. 13 Eliz. cap. 2.

SUPERSTITIOUS ROMISH BOOKS printed or written in any language whatever. Penalty, 20s. for each book, and the books to be burned. 3 Jac. I. cap. 5.

CATTLE, Sheep, or Swine, or any Beef or Pork, (except for the

necessary provision of the respective ships in which brought, not exposing it to sale), not to be imported under penalty of forfeiture. 18 Car. II. cap. 2.—*Mutton or Lamb* not to be imported under penalty of forfeiture. 32 Car. II. cap. 2. [During the operation of the Provision Act, both these restrictions are virtually suspended.]

THROWN SILK, of the growth or production of Persia, the East Indies, or China, not to be imported under penalty of forfeiture, 2 W. & M. cap. 9.

BUTTONS—none whatever of foreign manufacture to be imported or brought into Great Britain; or bartered, sold, or exchanged therein; under penalty of £50, and forfeiture of the goods. 4 W. & M. cap. 10.

CUT WHALEBONE—not to be imported under penalty of forfeiting the goods, and double their value. 9 & 10 W. III. cap. 23.

CHOCOLATE ready made, or cocoa-paste, not to be imported. Penalty, forfeiture of the articles, and double their value. 10 Geo. I. cap. 10.

GOLD or Silver Thread, Lace, Fringe, or any other work made thereof; or any Thread, Lace, Fringe, or other work, made of Copper, Brass, or any other inferior metal, or Gold or Silver Wire or Plate—not to be imported on pain of being forfeited, and burnt; and a penalty of £100 to be paid by the importer for each parcel thereof. 15 Geo. II. cap. 20.

EMBROIDERY, or Gold or Silver Brocade, not to be imported on pain of being forfeited, and burnt; and upon the further penalty of £100 for each piece or parcel, to be paid by the importer. 22 Geo. II. cap. 36. [By this Act, the goods described in this and the preceding article may be seized in any warehouse, and the owners subjected to the like penalty of £100.]

TOBACCO, either wholly or in part manufactured, or in any state or degree of manufacture, not to be imported under

penalty of forfeiture, with the ship in which it is brought.*
30 Geo. III. cap. 40. The Tobacco must be burnt, and the officers reimbursed. 24 Geo. III. cap. 41.

Prohibited to be imported for Sale:

SADDLES, Stirrups, Spurs, or any Harness pertaining to Saddles, Purses, Gloves, Girdles, and Harness for Girdles; any thing wrought of any tawed Leather; Knives, Daggers, Scissars, Razors, Chessmen, Combs, Pattens, Caskets, Hats, Brushes, Shoes, and Fringes of Silk and Thread,—not to be imported, in order to be uttered and sold in this realm, under penalty of forfeiture. 3 Edw. IV. cap. 4.

GIRDLES, Harness for Girdles, Rapiers, Daggers, Knives, Hilts, Pummels, Locketts, Chapes, Dagger-blades; handles, scabards, and sheaths for Knives; Saddles, Horse-harness, Stirrups, Bits, Gloves, Points, Leather-laces, or pins, being ready made or wrought beyond seas, not to be brought into this realm by any person, to be sold, bartered, or exchanged here, under penalty of forfeiture of the goods, or the value thereof. 5 Eliz. cap. 7, and subsequent Acts.

Prohibited to be imported for Use or Consumption in this Country:

WROUGHT SILKS, Bengals, and Stuffs mixed with Silk or Herba, of the manufacture of Persia, China, or the East Indies; and all Callicoes, painted, dyed, or stained there;† not to be imported into this country, except for exportation. 11 & 12 Will. III. cap. 10.—The following are the names

* By 25 Geo. III. cap. 81, a small quantity of prohibited Tobacco on board, without the knowledge of the Master, does not make the ship liable to forfeiture.

† By which is intended, not only callicoes painted, dyed, or stained after weaving thereof, but where the yarn or other materials were painted, &c. before making. 12 and 13 William III. cap. 11.

of the articles comprehended under the foregoing descriptions, viz.

Atatchees.	Dysooksoys.	Palampores.
Allejars.	Gauzes.	Peniascoes.
Apparel, made either wholly or in part of prohibited materials.	Ghilées.	Photoes.
Atchabannies.	Ginghams.	Poyees.
Atlas.	Gocoolsoys.	Romals of silk and cotton.
Bandannoës.	Guddomsoys.	Salahs.
Bejutapauts.	Guinea stuffs.	Salopants.
Brawls.	Habassies.	Sarries.
Callawapores.	Handkerchiefs of silk, or cotton coloured.	Sarsenets.
Callicoes, coloured, of all sorts.	Herbas.	Sashes of silk, or cotton coloured.
Carridarries.	India stuffs.	Sastracundies.
Charcounaes.	Jeezoorsoys.	Seersuckers.
Chelloes.	Kingcob.	Silks.
Chintz.	Kissersoys.	Soozees.
Chucklaes.	Lungees.	Taffaties.
Churloes.	Lustrings.	Tapseils.
Coupees.	Moorroos.	Tepoys.
Crape.	Nankeens, blue.	Towels of callico, with coloured borders.
Cushtaes.	Nawabeyes.	Turodars.
Cutneys.	Neganepauts.	Velvets.
Cuttanees.	Niccanees.	Zeerzoorsoys.
	Nillaes.	
	Paduasoys.	

The above goods must be imported into the port of London.
 11 & 12 Will. III. cap. 10.—When found to be spotted or stained with salt water, or otherwise damaged in the voyage, may be sent out of the warehouses (under bond, to return them in a certain time, in double the value of the goods,) to be cleaned, refreshed, dyed, glazed, or callendered. 15 Geo. II. cap. 31:—may be sent by land carriage to Liverpool, Lancaster, and Bristol, for exportation to the British West Indies, by permission of the Commissioners of the Customs, under bond, and the seals of office. 41 Geo. III. cap. 21

RETURNED Goods.—All merchandise exported from this country, and afterwards returned, is subject to duty *de novo*.
49 Geo. III. cap. 98.

RUM—not to be imported in vessels containing less than 60 gallons, under penalty of forfeiture. 5 Geo. III. cap. 43.
See **SPIRITS**.

SNUFF—not to be imported otherwise than loose in casks, chests, or cases only, (not in bags, or any other packages,) containing 450 lbs. nett, under penalty of forfeiture.
22 Geo. III. cap. 21.

SOAP—not to be imported from any parts beyond seas in packages containing less than 224 lbs. nett, under penalty of forfeiture. 23 Geo. II. cap. 21, and 42 Geo. III. cap. 93. The former Act imposes likewise a penalty of £50 on the Master of the ship.

SPICES were permitted to be warehoused by the East India Company, without payment of duty, after 21st June, 1798, by 38 Geo. III. cap. 68 (modified by a subsequent Act); the conditions of which are not precisely similar to those contained in the Act for the general warehousing of East India goods, 39 Geo. III. cap. 59. The Spice Act has been continued till 25th March, 1814.

SPIRITS—none whatever (except British Plantation Rum, and Arrack), to be imported in vessels containing less than 100 gallons, unless for the use of the crew, not exceeding 2 gallons each man, under penalty of forfeiture, with the ship. 26 Geo. III. cap. 73.

STARCH—not to be imported from any parts beyond seas in packages containing less than 224 lbs. nett, on pain of forfeiture. 23 Geo. II. cap. 21, and 42 Geo. III. cap. 93.—The additional penalty of £50 is imposed by the former Act on the Master of the ship.—*Starch* may, however, be imported in packages containing not less than 100 lbs. nett, by 52 Geo. III. cap. 127. [This Act has expired, and been revived, and is still temporary.]

TEA—on no account or pretence whatever to be imported other than from the place of its growth, (although formerly exported from hence) under penalty of forfeiture. 11 Geo. I. cap. 30.—Not to be imported but by the East India Company, or by their special license. 54 Geo. III. cap. 155, s. 8.

TOBACCO—not to be imported but in a cask, chest, or case, each containing not less than 450 lbs. nett, under penalty of forfeiture,* (except for the use of the crew or passengers, not exceeding 5 lbs. each person). 25 Geo. III. cap. 81.—East India unmanufactured Tobacco may be imported in any packages whatever, by Order in Council, and under the regulations which may be imposed by such Order. 49 Geo. III. cap. 25.—Tobacco *manufactured*—see PROHIBITED GOODS.

WINES—not to be imported in vessels smaller than a hogshead, under penalty of forfeiture, 18 Geo. III. cap. 27; except French wine in bottles, 23 Geo. III. cap. 11; and except all wines brought for private use, and not by way of merchandise, provided proof thereof be made to the satisfaction of the Commissioners of the Customs. 25 Geo. III. cap. 69.

* All condemned Tobacco to be burnt, and the officers reimbursed.

*4 Geo. III. cap. 41

PART II.

THE

Duties upon East India Goods imported,

AND THE

DRAWBACKS AND BOUNTIES

Allowed upon their Exportation;

WITH

THE DUTIES PAYABLE ON GOODS EXPORTED

TO THE

EAST INDIES.

.....

- * Weighable Goods must be cleared or exported in the packages in which they were sold: no repacking, or dividing of packages, being allowed. See 43 Geo. III. cap. 132.
- * Goods resold by the Company (on account of the conditions of sale not being complied with, or other causes,) must be entered at the Custom-House, by the purchaser, conformably with the original sale, in respect of price and quantity.

.....

PART II.

TABLE (A.)

A Table of the Duties of Customs and Excise payable on Goods, Wares, and Merchandise imported into Great Britain from the East Indies and China, either by the United Company of Merchants of England trading to those parts, or by Persons authorized so to trade.*

N. B. These Duties attach on all Goods delivered from the Warehouses after the 10th of April, 1814; notwithstanding they may have been imported and sold before that period.

WAREHOUSING DUTY †.

	Branches.‡	Total Duty.
	£ s. d.	£ s. d.
MUSLINS and white Calicoes, plain, flowered, or stitched; plain white Dimity; Nanquin Cloths; and all articles manufactured of Hair or Cotton Wool, or any mixture thereof; also goods, wares, and merchandise prohibited to be worn or used in Great Britain per £100 value §	4 0 0 1 0 0	5 0 0

* The East India Company may warehouse their goods, and secure the duties by bond, as heretofore, by 39 Geo. III. cap. 59.

† This duty is payable at any time previous to the delivery of the goods either for home-consumption, or exportation.

‡ To prevent the necessity of loading the page, it may be sufficient to observe, that the first is the Permanent Duty; the second the Temporary, or War Duty, which is to continue until six months after the ratification of a definitive treaty of peace.

§ Which value must be ascertained, for this duty, in every case, whether the goods be imported by the East India Company, or by other persons, according to a declaration thereof, under the conditions of 27 Geo. III. cap. 13.—See p. 9.

	Branches	Total Duty
	$\begin{array}{r} \text{£} \\ \text{s} \\ \text{d} \end{array}$	$\begin{array}{r} \text{£} \\ \text{s} \\ \text{d} \end{array}$
COFFEEper cwt.	0 1 0 0 1 0 -----	0 5 0
INDIGOper lb.	0 0 1 0 0 1 -----	0 0 2
RAW SILK, Bengal.....per lb.	0 0 4 0 0 1 -----	0 0 5
—of any other sort...lb.	0 0 6 0 0 1 -----	0 0 7½

HOME CONSUMPTION DUTY.*

The figures prefixed to the articles refer to the descriptions, under corresponding numbers, in Part III.

1 AGATE, polished—as Goods manufactured.		
— rough—as Goods unmanufactured.		
2 ALKALI, not otherwise described, refined—as Goods manufactured.		
— unrefined—as Goods unmanufactured.		
ALMONDS, bitter.....per cwt.	$\begin{array}{r} 1 \\ 0 \end{array}$	$\begin{array}{r} 5 \\ 6 \end{array}$
— of any other sort.....per cwt.	$\begin{array}{r} 3 \\ 0 \end{array}$	$\begin{array}{r} 16 \\ 19 \end{array}$
<i>Note.—When imported in the shell, the duty is charged only upon $\frac{1}{3}$ part, the remainder being allowed for shell.</i>		
	$\begin{array}{r} 0 \\ 19 \end{array}$	$\begin{array}{r} 0 \\ 0 \end{array}$
		4 15 0

* Where this duty is payable on goods *ad valorem*, the values must be ascertained as follows:—if imported into London, or sent thither from any other port, the goods must be sold at the public sales of the East India Company, and the duty charged upon the gross prices; if imported into any other port, the duty is payable on the declared value.

Articles brought as presents, or for private use, and not by way of merchandise, (on oath to that effect before the Collector and Comptroller of the Customs at the port of importation,) may be charged with duty according to a declaration of the value, by the proprietor, or his known agent.

	Branches.	Total Duty.
	£ s. d.	£ s. d.
1 ALOES, Socotromaper lb.	0 2 0 0 0 6	0 2 6
— — — of any other sortper lb	0 1 0 0 0 3	0 1 3
<i>Note.—The allowance for skins is generally about 7 per cent. A small allowance is sometimes made for shirts, or the calico lining of the packages, to which the Aloes occasionally adheres.</i>		
1 ALUMper cwt	0 14 0 0 3 6	0 17 6
— — — Rockper cwt.	0 9 4 0 2 4	0 11 8
1 BER IMBREXURESper lb.	0 9 6 0 2 4½	0 11 10½
— — — roughper lb.	0 1 4 0 0 4	0 1 8
6 AMBERGRISper oz.	0 4 0 0 1 0	0 5 0
ANIMALS, alive (except Horses)—as GOODS unmanufactured. [See PROVISIONS]		
7 ANNISEEDper cwt.	1 16 0 0 9 0	2 5 0
— — — Oilper lb.	0 3 0 0 0 9	0 3 9
8 ANNOTTOper cwt.	1 12 0 0 8 0	2 0 0
ANTELOPES—See ANIMALS.		
APPAREL and Baggage, consisting of articles not prohibited, and which		

	Branches	Total Duty		
		£	s.	d.
appear to have been worn, may be delivered free of duty, and without entry.				
9 AQUAFORTIS.....per cwt.		0	11	4
		0	2	10
10 ARANGOES, or Arangoe Beads per £100 value		25	0	0
		6	5	0
11 ARECA-NUTS—as DRUGS unmanufactured.		°	31	5 0
12 ARRACK.....per £. ton		0	1	8
		0	0	5
13 ARROW-ROOT POWDER—as Goods manufactured.	Excise	0	2	1
		0	17	0 $\frac{1}{2}$
14 ASFENIC.....per cwt.		0	11	4
		0	2	10
15 ASSAFCTIDA	per lb.	0	0	8
		0	0	2
118 AURIPIGMENTUM, or <i>Orpiment</i> per cwt		1	4	0
BAGGAGE—See APPAREL.		0	6	0
16 BALSAM, artificial or natural, per lb.		0	4	0
		0	1	0
30 BAMBOO CANES.....per 1000		1	7	0
BAMBOO manufactures—as Goods manufactured.		0	6	9
102 BANDA SOAP—as OIL of Mace.		0	5	0
17 BARILLA	per cwt.	0	8	6
51 BARK, Jesuits', or <i>Cortex Peruvianus</i> per lb.		0	2	1 $\frac{1}{2}$
		0	1	8
		0	0	5
		0	2	1

	Branches.	Total Duty.		
		£	s.	d.
BARK, not otherwise described; viz. for medicinal use per £100 value	40 0 0 10 0 0	50	0	0
not for Medicinal use per £100 value	20 0 0 5 0 0	25	0	0
18 BDELLIUMper lb.	0 0 8 0 0 2	0	0	10
5 BEADS, Amberper lb.	0 9 6 0 2 4½	0 11	10	½
10 —— Arangoeper £100 value	25 0 0 6 5 0	31	5	0
—— —— per lb.	0 12 6 0 3 1½	0 15	7	½
<i>Note.</i> The duty on strings is generally 5 per cent.				
—— Crystalper 1000	1 2 0 0 5 6	1	7	6
—— Glass—as GLASS manufac- tures.				
—— not otherwise described (as Agate, Bird's-Eye, Cornelian; Wax, Wood).....per £100 value	50 0 0 12 10 0	62	10	0
BEES' WAX—See WAX.				
20 BETEL preparation—as DRUGS ma- nufactured.				
21 BENJAMINper lb.	0 1 4 0 0 4	0	1	8
22 BEZOAR STONESper oz.	0 2 0 0 0 6	0	2	6

	Branches.	Total Duty.
	£ s. d.	£ s. d.
BIRDS, alive—as Goods unmanufactured. [See PROVISIONS.]		
23 —— of Paradise, preserved in the feathers—as Goods manufactured.		
24 BITUMEN—as DRUGS unmanufactured.		
25 BOMBAY BOXES—as GOODS manufactured.		
Books, bound.....per cwt.	5 4 0 1 6 0	6 10 0
—— unboundper cwt.	3 17 0 0 19 3	4 16 3
26 BORAX, refinedper lb.	0 1 4 0 0 4	0 1 8
—— unrefined, or Tincal—per lb.	0 0 6 0 0 1½	0 0 7½
BOTTLES of green or common glass, full or empty, not of less content than one pint, and not being phialsper dozen quarts	0 6 0 0 1 6	0 7 6
—— of stone, not exceeding two quarts measure—as Goods manufactured, andper cwt.	Excise Duty*	0 2 6
Bows and Arrows—as GOODS manufactured.		
BRANDYper gallon	0 1 6 0 0 4½	0 1 10½
BULLION, and Foreign coin of gold and silver—Duty free, and may be landed and delivered without entry.	Excise	0 17 0½

* By 52 Geo. III. cap. 189.

	Branches	Total Duty
	£ s d	£ s d
27 CAJAI, i.e. Oilper oz.	0 2 0 0 0 6	0 2 6
.		
CAKRE Lac—See GUM Lac.		
28 CALAVANCES—as Goods unmanufactured [See PROVISIONS]		
CALICOES, white, plain per £100 value	50 0 0 12 10 0	62 10 0
<i>The following are their various denominations</i>		
Baftacs	Gurrahs	Pettaulahs
By ramparts	Hunhumhs	Putcalis
Calicos	Izzaries	Sallampores
Callipatues	Iccowries	Sallums
Chowtars	1 loths	Sinnoes
Doocon	Mamimoc lies	Succatoons
Dotties	Moorees	Tookenes
Emmertics		
CALICOES, white, flowered or stitchedper £100 value	26 0 0 6 10 0	
69 CAMBOGIUM, or Gambogeper lb.	0 1 4 0 0 4	32 10 0
CAMEL HAIRper lb.	0 1 4 0 0 4	0 1 8
29 CAMPHIRE, refinedper lb	0 1 8 0 0 5	0 1 8
——— unrefinedper lb.	0 1 0 0 0 3	0 2 1
——— Oil of—as OIL not otherwise described.		0 1 3
CANDLES, of Waxper lb	0 2 0 0 0 6	
——— of Tallow—as Goods manufactured.		0 2 6

	Branches.	Total Duty	
		£	s. d.
CANE Mats and Blinds—as Goods manufactured.			
30 CANES, Bamboo, and Rattans (not ground)	per 1000	1 7 0 0 6 9	
— Reed.....	per 1000	1 1 0 0 5 3	1 13 9
— Walking, or Sticks, mounted, painted, inlaid, or otherwise ornamented or manufactured	per £100 value	50 0 0 12 10 0	1 6 3
— Wanghees, Jumboos, Ground Rattans, and other Walking Canes or Sticks	per 1000	3 4 0 0 16 0	62 10 0
31 CANTHARIDES	per lb.	0 2 8 0 0 8	4 0 0
CANTON CLOTHS—as COTTON manufacturers.			0 3 4
CAPS of Cotton	per £100 value	50 0 0 12 10 0	62 10 0
32 CARDAMOMS	per lb.	0 1 8 0 0 5	0 2 1
33 CALMENIA Wool, or Goat Hair ..	p. lb.	0 0 4 0 0 1	0 0 5
34 CARMINE	per oz.	0 3 4 0 0 10	0 4 2
CARPETS of Persia ..	per yard square	2 0 0 0 10 0	2 10 0

	Branches.	Total Duty.
	£ s. d.	£ s. d.
CARPETS of Turkey, under four yards squareeach	1 0 0 0 5 0	1 5 0
..... four, and not exceeding 6 yards squareeach	4 0 0 1 0 0	5 0 0
..... exceeding 6 yards squareeach	6 5 0 1 11 3	7 16 3
..... not otherwise described— as Goods <i>manufactured</i> .		
35 CASHEW Nuts—as Goods <i>unmanufactured</i> .		
36 CASSIA Budsper lb.	0 1 4 0 . 0 . 4	0 1 8
..... Fistulaper lb.	0 0 8 0 0 . 2	0 0 10
..... Ligneaper lb.	0 2 0 0 . 0 . 6	0 2 6
<i>Note.</i> —A small allowance is made for bandages, in proportion to the number of bundles in the package.		
..... Oilper oz.	0 2 0 0 . 0 . 6	0 2 6
37 CASTOR Oil*per lb.	0 1 0 0 . 0 . 3	0 1 3

* As this Oil is of a very viscid quality, it is extremely difficult to separate it from the package, when imported in casks. The following mode of estimating its nett weight may, in such cases, be resorted to. A cubic inch of Castor Oil weighs 243.57 grains, which multiplied by 231, the number of inches in a wine-gallon=56,818 grains troy; consequently, the weight of a gallon of Castor Oil will be 8lbs. 0oz. 8dms. avoirdupois. It must be observed, that any material alteration in the temperature of the Oil will a little affect the calculation. The experiment, upon which the foregoing rule is founded, was made at 60°.

	Branches	Total Duty
	£ s. d	£ s. d
CASTOR Seeds—as SEEDS not otherwise described.		
165 CATECHU—as TERRA JAPONICA.		
122 CAYENNE Pepper.....per lb.	0 1 0 0 1 0	0 5 0
38 CHAYA Root—as GOODS manufactured.*		
39 CHILLIES, or Cayenne Pepper in the Pod—as GOODS unmanufactured.		
40 CHINA ROOTper lb	0 1 0 0 0 8	0 1 8
CHINA Wareper £100 val.	100 0 0 25 0 0	125 0 0
41 CINNABAR, or Vermillionper lb.	0 1 8 0 0 5	0 2 1
<i>Note.—The allowance for Skins and Paper is generally about 9 per cent.</i>		
41 CINNABARIS Nativ.....per lb.	0 1 8 0 0 5	0 2 1
42 CINNAMON.....per lb.	0 2 0 0 0 6	0 2 6
Oilper oz.	0 4 0 0 1 0	0 5 0
CLAY Images—as EARTHEN WARE.		
43 CLOVESper lb.	0 4 6 2 1 1½	0 5 7½
Oil ofper oz.	0 1 4 0 0 4	0 1 8

* This article has, however, been sometimes charged with Duty as DRUGS unmanufactured.

	Branches.	Total Duty.
	£ s. d.	£ s. d.
44 COCHINEALper lb.	0 0 8 0 0 2	0 0 10.
— Dust.....per lb.	0 0 2 0 0 0½	0 0 2½
45 COCOA Nuts.....per lb.	0 0 4 0 0 1	0 0 5
— Excise		0 2 0
— Oil of—as OIL not otherwise described.		
46 COCULUS Indicusper lb.	0 2 0 0 0 6	0 2 6
47 COFFEEper lb.	0 0 4 0 0 1	0 0 5
— Excise		0 0 6
Note.—Allowance for Husks 1-7th part. 18 Geo. III. cap. 73.		
COIN, Foreign, of Gold and Silver— See BULLION.		
— of Copper—See COPPER.		
48 COLOCYNTH, or <i>Coloquintida</i>per lb.	0 1 4 0 0 4	0 1 8
COLOURS for Painters, not otherwise described.....per lb.	0 0 8 0 0 2	0 0 10
49 COLUMBO Rootper lb.	0 1 4 0 0 4	0 1 8
COPPER; viz.		
— Old, fit only to be remanu- facturedper cwt.	0 7 4 0 1 10	0 8 9

C O R

	Branches.	Total Duty
	£ s. d.	£ s. d.
COPPER Ore.....per cwt.	0 0 8 0 0 2	0 0 10
— Unwrought—in Bricks or Pigs, Rose Copper, and all Cast Copperper cwt.	0 7 4 0 1 10	0 9 2
— in Plate, and Copper Coincwt.	0 12 0 0 3 0	0 15 0
— Part wrought; viz.—Bars, Rods, or Ingots, hammered, or raised.....per cwt.	1 5 0 0 6 3	1 11 3
— manufactures not otherwise described, Copper enamelled, and Copper-plates engraved per £100 value	50 0 0 12 10 0	62 10 0
CORAL Beadsper lb.	0 12 6 0 3 1½	0 15 7½
<i>Note.—The allowance for Strings is generally 5 per cent.</i>		
— in fragments.....per lb.	0 0 10 0 0 2½	0 1 0½
— whole, polishedper lb.	0 9 4 0 2 4	0 11 8
— unpolished.....per lb.	0 4 8 0 1 2	0 5 10
CORIANDER Seedper cwt.	0 7 6 0 1 10½	0 9 4½
50 CORNELIAN Stones, polished—as Goods manufactured.		

	Branches.	Total Duty.
	£ s. d.	£ s. d.
51 CORNELLIAN Stones, rough—as Goods <i>unmanufactured.</i>		
52 CORTEX Peruviana, or <i>Jesuits' Bark.</i>per lb.	0 1 8 0 0 5	0 2 1
53 CORUNDUM—as Goods <i>unmanufactured.</i>		
54 COSTOS.....per lb.	0 0 10 0 0 2½	0 1 0½
COTTON, <i>viz.</i> —Articles manufactured of Cotton Wool, or of any mixture thereof, not particularly described.....per £100 value		
55 ——— Thread.....per £100 value	50 0 0 12 10 0	62 10 0
56 ——— Wool.....per 100 lbs.	0 8 7 0 8 4	62 10 0
57 ——— Yarn	0 0 8 0 0 2	0 16 11
58 COWRIES.....per £100 value..	25 0 0 6 5 0	0 0 10
CRYSTAL Beads	1 2 0 0 5 6	31 5 0
59 CUBEBS	0 0 8 0 0 2	1 7 6
60 CUMMIN Seed	0 12 6 0 3 1½	0 0 10
61 CURRY—as Goods <i>manufactured.</i>		0 15 7½

	Branches	Total Duty
	£ s. d.	£ s. d.
CUTCH—See CATECHU.		
59 DAMMAR—as DRUGS <i>unmanufactured.</i> * DEER—See ANIMALS.		
143 DIAGRYDIUM, or Scammony, per lb.	0 5 4 0 1 4	0 6 8
60 DIAMONDS— <i>Duty free</i> , and may be landed and delivered without entry		
DIAPER, and articles manufactured thereof—as COTTON manufactures.		
DIMITY, plain white, per £100 value	50 0 0 12 10 0	62 10 0
61 DOHL—as GOODS <i>unmanufactured.</i> [See PROVISIONS]		
DRAGON'S Blood—See SANGUIS DRACONIS.		
DRAWINGS, colouredeach	0 3 0 0 0 9	0 3 9
— plaineach	0 1 6 0 0 4½	0 1 10½
DRUGS, manufactured, not being otherwise described, or charged with dutyper £100 value	50 0 0 12 10 0	62 10 0
— unmanufactured, not being otherwise described, or charged with dutyper £100 value	40 0 0 10 0 0	50 0 0

* According to practice; but this article is not used medicinally.

	Branches.	Total Duty.
	£ s. d.	£ s. d.
63 MINERAL OIL—as Oil not otherwise described		
EARTHEN WARE,per £100 value	100 0 0 25 0 0	125 0 0
63 EBONY,per ton	6 10 0 1 12 6	8 2 6
ELEPHANTS—see ANIMALS		
ELEPHANTS Teeth.....,per cwt.	3 1 0 0 16 0	4 0 0
64 EMERALDS, Rubies, and all other precious Stones and Jewels (except Diamonds), per £100 value	12 10 0 3 2 6	15 12 6
FANS of all sorts (not being prohibited)—as Goods manufactured.		
FEATHERS, Ostrich, dressed.,per lb.	2 4 0 0 11 0	2 15 0
——— undressed per lb.	0 13 4 0 3 4	0 16 8
NOTE.—An allowance of one third is made for Quills.		
——— of any other sort per £100 value	40 0 0 10 0 0	50 0 0
FIREWORKS..... { as Goods man- FISHING Lines & Rods } ufactured.		
FLAX, rough or undressed.,per cwt.	0 0 4 0 0 1	0 0 5
FOREST Seed,per £100 value	25 0 0 6 5 0	31 5 0

	Branches	Total Duty	
		£	s.
FRAMES for Pictures—as Goods manufactured			
65 FRANKINCENSE—as GUM not otherwise described.			
FURS—see SKINS.			
66 GALANGAper lb.	0 0 4 0 0 1		
67 GALBANUMper lb	0 1 0 0 0 3	0 0 5	
68 GALLSper cwt.	0 9 4 0 2 4	0 1 3	
164 GAMBIER—as Drugs manufactured		0 11 8	
69 GAMBOGEper lb	0 1 4 0 0 4		
GARDEN Seed, not otherwise describedper lb	0 0 6 0 0 1½	0 1 8	
— Roots—as Goods unmanufactured.		0 0 7½	
70 GARNETS, cut.....per lb.	1 4 0 0 6 0		
— roughper lb.	0 8 0 0 2 0	1 10 0	
GENEVAper gallon	0 1 6 0 0 4½	0 10 0	*
— Excise		0 1 10½	
71 GINGERper cwt.	0 18 0 0 4 6	0 17 0½	
— Preservedper lb.	0 2 6 0 0 7½	1 2 6	
Note.—One third is commonly allowed for the Jars		0 3 1½	

	Branches	Total Duty.
	£ s. d.	£ s. d.
72 GINSENG.....per lb.	0 1 2 0 0 3½	0 1 5½
GLASS, viz		
Bottles—see BOTTLES of Glass.		
Broken, fit only to be remanufactured	0 2 6 0 0 7½	0 3 1½
Rough Plate, and ground or polished Plate or Crown Glass per £100 value	90 0 0 22 10 0	112 10 0
And besides for every superficial foot	Permanent.	0 3 1½
Manufactures, not otherwise described.....per £100 value	90 0 0 22 10 0	112 10 0
Paintings on Glass.....per £100 value	50 0 0 12 10 0	62 10 0
Excise on Glass *—per cwt.	6 6 0
73 GOAT Hair, or <i>Carmenia Wool</i> per lb.	0 0 4 0 0 1	0 0 5
GOLD Coin—see BULLION.		
— Plate	per oz. troy	3 0 0 0 15 0
73 GOVAN—as Goods manufactured.		3 15 0
74 GRAM—as Goods unmanufactured. [See PROVISIONS]		
44 GRANILLA	per lb.	0 0 4 0 0 1
		0 0 5

* Namely, plate glass, and all other glass manufactures, not being flasks in which wine or oil is imported, or foreign green glass bottles, or Irish glass.

G U M

	Branches	Total Duty
	£ s. d.	£ s. d.
75 Gum Ammoniacumper lb.	0 1 0 0 0 3	0 1 3
76 —— Animi.....per lb.	0 0 8 0 0 2	0 0 10
77 —— Arabic.....per cwt.	0 9 4 0 2 4	0 11 8
78 —— Cashewper wt.	0 6 0 0 1 6	0 7 6
79 —— Copalper lb.	0 1 4 0 0 4	0 1 8
80 —— Elemiper lb.	0 0 6 0 0 1½	0 0 7½
81 —— Lac, <i>viz.</i> Cake Lac, and all Lac Lake, or Lac Dye, not being Shell Lac, or Stick Lac*.....per lb.	0 0 4 0 0 1	0 0 5
Shell Lac, or Seed Lac, per lb.	0 0 6 0 0 1½	0 0 7½
Stick Lacper cwt.	0 6 4 0 1 7	0 7 11
82 —— Opopanax.....per lb.	0 3 0 0 0 9	0 3 9
83 —— Sagapenumper lb.	0 0 8 0 0 2	0 0 10
84 —— Sandrake, or Juniper.....per cwt.	0 15 0 0 3 9	0 18 9
85 —— Sarcocolla.....per lb.	0 0 8 0 0 2	0 0 10

* By direction of the Lords of the Council for Trade, &c.—Letter dated 11th August, 1809.

H I D

39

	Branches.	Total Duty.
	£ s. d.	£ s. d.
86 GUM Senega.....per cwt.	0 9 4 0 2 4	0 11 8
87 —— Tragacanthper lb.	0 1 0 0 0 3	0 1 3
—— not otherwise described per £100 value	40 0 0 10 0 0	50 0 0
HAIR, Camelper lb.	0 1 4 0 0 4	0 1 8
33 —— Goat, or <i>Carmenia Wool</i> , per lb.	0 0 4 0 0 1	0 0 5
—— Humanper lb.	0 4 0 0 1 0	0 5 0
—— Articles manufactured of Hair, or any mixture thereof, not parti- cularly described—per £100 value	50 0 0 12 10 0	62 10 0
HAND Skreens (not being prohib- ed)—as Goods manufactured.		
118 HARTALL—AS ORPIMENT.		
HEMP, rough or undressed, or any other vegetable substance of the nature and quality, and applicable to the purposes, of undressed Hempper ton	0 6 4 0 1 7	0 7 11
HIDES, Buffalo, Bull, Cow, or Ox; Horse, Mare, or Gelding in the hair, not tanned, tawed, or in any way dressedper hide	0 0 8 0 0 2	0 0 10

H U M

	Branches	Total Duty.
	£ s. d.	£ s. d.
88 HIDES, Buffalo, tanned, and not otherwise dressedper lb.	0 0 10 0 0 2½	0 1 0½
— or pieces of Hides, raw or undressed, not otherwise described or charged with duty per £100 value	25 0 0 6 5 0	31 5 0
— or pieces of Hides, tanned, tawed, or in any way dressed, not otherwise described or charged with dutyper £100 value	50 0 0 12 10 0	62 10 0
88 HONATE—as COTTON WOOL.*		
89 HOOKAHS, and articles pertaining to the use thereof, not otherwise charged with duty (and not being prohibited)—as Goods manufactured.		
HORNS, Buffalo, Bull, Cow, or Ox per 100	0 4 4 0 1 1	0 5 5
— manufactured per £100 value	50 0 0 12 10 0	62 10 0
— unmanufactured, not otherwise describedper £100 value	25 0 0 6 5 0	31 5 0
HORSES, Mares, or Geldings....each	5 5 0 1 6 8	6 11 3
HUMAN Hairper lb.	0 4 0 0 1 0	0 5 0

* By order of the Board of Customs.

	Branches.	Total Duty.
	<i>£ s. d.</i>	<i>£ s. d.</i>
JAPANNED Ware ...per £100 value	50 0 0 12 10 0	62 10 0
51 JESUITS' Bark, or <i>Cortex Peruvianus</i> per lb.	0 1 8 0 0 5	0 2 1
JEWELS—see EMERALDS.		
IMAGES of Clay—as EARTHEN WARE.		
—of Marble, Metal, Wood, or not otherwise charged with duty —as Goods <i>manufactured</i> .		
90 INDIGO-----per lb.	0 0 2 0 0 0½	0 0 2½
91 INK of China—as Goods <i>manufac-</i> <i>tured</i> .		
<i>Note</i> —The small paper boxes, in which this article is commonly imported, amount to about 1-9th of the total weight.		
INSECTS and Reptiles, preserved— as Goods <i>manufactured</i> .		
92 IRIS or Orrice Root -----per cwt.	1 4 0 0 6 0	1 10 0
IRON Ore—as Goods <i>unmanufac-</i> <i>tured</i> .		
93 IVORY; articles manufactured of Ivory—as Goods <i>manufactured</i> .		
94 KEEMORE Shells—as Goods <i>unma-</i> <i>nufactured</i> .		
95 KINO, or Cheenea—as GUM not other- wise described.		

	Branches	Total Duty
	<i>L s. d.</i>	<i>L s. d.</i>
KITTISOLS of Paper—as Goods manufactured.		
LAC Colour — Dye .. — Lake.. } See GUM LAC.		
LACKERED Wareper £100 value	50 0 0 12 10 0	
LAMBS' Wool per cwt.	0 6 4 0 1 7	62 10 0
96 LAPIS Calaminaris per cwt.	0 6 8 0 1 8	0 7 11
97 —— Contrayerva per oz.	0 1 8 0 0 5	0 8 4
98 —— Lazuli per lb.	0 2 8 0 0 8	0 2 1
99 —— Tutiae per lb.	0 0 6 0 0 1½	0 3 4
LAMPS or Lanthorns (not being of Glass, or prohibited)—as Goods manufactured.		0 0 7½
100 LEAD, white..... per cwt.	0 8 0 0 2 0	
LIME Juice—as Goods manufactured.		0 10 0
101 LINSEED Oil per tun	26 12 0 6 18 0	33 5 0
171 Locksoy—as VERMICELLI.		
122 LONG Pepper per lb.	0 0 8 0 0 2	0 0 10

	Branches.	Total Duty.
	<i>L s. d.</i>	<i>L s. d.</i>
102 MACEper lb.	0 7 4 0 1 10	0 9 2
—, Oil ofper oz.	0 1 8 0 0 5	0 2 1
103 MADDER Root.....per cwt.	0 4 0 0 1 0	0 5 0
104 MADREPORE—as Goods <i>unmanufactured.</i>		
105 MANGOESper gallon	0 4 0 0 1 0	0 5 0
106 MANNAper lb	0 1 0 0 0 3	0 1 3
MAPSper piece	0 1 0 0 0 3	0 1 3
107 MASTIC, Redper lb.	0 0 8 0 0 2	0 0 10
— of any other sort—per lb.	0 1 0 0 0 3	0 1 3
MATCHLOCKS—as Goods <i>manufactured.</i>		
108 MELASSESper cwt.	0 6 0 0 1 6	0 7 6
MINIATURES (not painted in Oil)— as DRAWINGS.		
MODELS—as Goods <i>manufactured.</i>		
121 MOTHER of Pearl Shells, rough, per lb.	0 0 8 0 0 2	0 0 10
— Articles manufactured of Mother of Pearl—as Goods <i>manufactured.</i>		

		Branches.	Total Duty.
		£ s. d.	£ s. d.
103 MUNJEET—as MADDER Root.	MUSICAL Instruments—as Goods manufactured.		
109 MUSK	per oz.	0 4 0 0 1 0	
MUSLINS, plain, flowered, or stitched*	per £100 value	26 0 0 6 10 0	0 5 0 32 10 0
<i>The following are their denominations:</i>			
Abroahs.	Doreas.	Seerbetties.	
Addaties.	Jamdannies.	Seerhaudonnas.	
Alliballies.	Mulmulls.	Seerhauds.	
Betellees.	Nainsooks.	Sublomes.	
Budduncas.	Neckcloths.	Tanjeeks.	
Chundraconnae.	Raungs.	Tartorees.	
Cossacs.	Seerbands.	Terindams.	
<i>Note.—It is the practice to charge with this Duty all Calico and Muslin made up into articles of Apparel, Bed Furniture, &c.</i>			
110 MYROBALANES, Candied.....	per lb.	0 0 8 0 0 2	
— — — dried.....	per cwt.	0 9 4 0 2 4	0 0 10 0 11 8
111 MYRRH	per lb.	0 1 4 0 0 4	0 1 8
NANQUIN Cloths	per £100 value	26 0 0 6 10 0	32 10 0
112 NUTMEGS	per lb.	0 4 4 0 1 1	0 5 5
<i>Note.—When imported in the Shell, the Duty is charged only upon two-thirds, the remainder being allowed for Shells.</i>			

* Under the opinion of the Attorney and Solicitor General, dated 23d May, 1812, Alliballies and other Muslins, flowered or stitched with gold or silver, are not deemed to be within the meaning of the Act, 22 Geo. III. cap. 26, relating to Embroidery.

	Branches.	Total Duty.
	£ s. d.	£ s. d.
112 NUTMEGS, Oil of.....per oz.	0 1 8 0 0 5	0 2 1
113 Nux Vomicaper lb.	0 1 0 0 0 3	0 1 3
— Extract of—as DRUGS <i>manufactured.</i>		
7 OIL of Anniseedper lb.	0 3 0 0 0 9	0 3 9
27 — of Cajaputaper oz.	0 2 0 0 0 6	0 2 6
36 — of Cassiaper oz.	0 2 0 0 0 6	0 2 6
37 — of Castorper lb.	0 1 0 0 0 3	0 1 3
42 — of Cinnamon.....per oz.	0 4 0 0 1 0	0 5 0
43 — of Cloves.....per oz.	0 1 4 0 0 4	0 1 8
101 — of Linseed.....per tun	26 12 0 6 13 0	33 5 0
102 — of Maceper oz.	0 1 8 0 0 5	0 2 1
112 — of Nutmegsper oz.	0 1 8 0 0 5	0 2 1
170 — of Turpentineper lb.	0 0 6 0 0 1½	0 0 7½
— not otherwise described per £100 value	50 0 0 12 10 0	62 10 0

	Branches.	Total Duty.
	£ s. d.	£ s. d.
114 OKEER.....per cwt.	0 5 4 0 1 4	0 6 8
115 OLIBANUM.....per cwt.	1 18 0 0 9 6	2 7 6
116 OPIUM.....per lb.	0 7 0 0 1 9	0 8 9
<i>Note.—An allowance of 12½ per cent. made for the leaves in which the gum is inclosed.</i>		
117 ORANGE-Flower Water ..per gallon	0 2 8 0 0 8	0 3 4
ORE, Copper	per cwt.	
— Gold or Silver—see BUILLION.	0 0 8 0 0 2	0 0 10
— Iron—as Goods <i>unmanufactured</i>		
118 ORPIMENT, or <i>Auripigmentum</i> , per cwt.	1 4 0 0 6 0	1 10 0
92 ORRICK or Iris Root	per cwt.	
OSTRICH Eggs—as Goods <i>unmanufactured</i> .	1 4 0 0 6 0	1 10 0
— Feathers—see FEATHERS.		
OSTRICHES—see BIRDS.		
119 OTTA of Roses—as OILS <i>not otherwise described</i> .		
129 PADDEE—as RICE.		
120 PADDY-BIRD Feathers—as FEATHERS <i>unenumerated</i> .		

	Branches.	Total Duty.
	£ s. d.	£ s. d.
PADDY-BIRD Muffs and Tippets—as Goods manufactured.		
PAGODAS of Rice—as Goons manufactured.		
PAINTERS' Colours, not otherwise described	0 0 8 0 0 2	0 0 10
PAINTINGS on Glass—see GLASS.		
PAPER, Brown, made of old Rope or Cordage only, without separating the Pitch or Tar therefrom, and without any mixture of any other materials therewith, per lb.	0 0 8 0 0 2	0 0 10
— printed, painted or stained, or paper hangings per yards square*	0 1 0 0 0 3	0 1 3
— of any other sort, not otherwise described or charged with duty per lb.	0 1 4 0 0 4	0 1 8
121 PEARLS per £100 value	Permanent.	5 0 0
122 PEPPER per lb.	* 0 1 6 0 0 4½	0 1 10½
— Cayenne per lb.	0 4 0 0 1 0	0 5 0
— long per lb.	0 0 8 0 0 2	0 0 10

* The method of obtaining the square dimensions of Paper Hangings, &c. is by multiplying the length by the width. The square foot therefore contains 144 inches; and nine square feet make a square yard.

	Branches	Total Duty
	£ s. d.	£ s. d.
PICKLES of all sorts, not otherwise described.....per gallon	0 4 0 0 1 0	0 5 0
PICTURES under 2 feet square each	2 13 1 0 13 4	3 6 8
— of 2, and under 4 feet squareeach	5 6 8 1 6 8	6 13 4
— of 4 feet square, or upwardseach	8 0 0 2 0 0	10 0 0
PLANTS—as Goods unmanufactured.		
PLATE, of Gold.....per oz. troy	3 0 0 0 15 0	3 15 0
— of Silver, gilt ..per oz. troy	0 5 0 0 1 3	0 6 3
— — part gilt, per oz. troy	0 4 8 0 1 2	0 5 10
— — ungilt, per oz. troy	0 3 6 0 0 10 $\frac{1}{2}$	0 4 4 $\frac{1}{2}$
— Battered,* fit only to be remanufactured—as BULLION, Duty free.		
PORTRAITS—as PICTURES.		
PRECIOUS Stones—See EMERALDS.	.	.
PAINTS, Paper, plainper piece	0 1 4 0 0 4	0 1 8

* Foreign Plate, brought in the Baggage of Passengers, may be battered in the presence of the Examining Officers, and delivered without entry.

	Branches.	Total Duty.
	£ s. d.	£ s. d.
PRINTS, Paper, coloured per £100 value	50 0 0 12 10 0	62 10 0

PROVISIONS:—His Majesty is authorized to permit, for a limited time, by Order in Council, the importation into Great Britain, from any place whatever, in any British ship, or in any other ship belonging to persons of any kingdom or state in amity with His Majesty, and navigated in any manner whatever, of any Beans called *Kidney* or *French Beans*, *Tares*, *Lentiles*, *Calavances*, and all other sorts of Pulse; and also *Bulls*, *Cows*, *Oxen*, *Calves*, *Sheep*, *Lambs*, and *Swine*; *Beef*, *Pork*, *Mutton*, *Veal*, and *Lamb*, whether salted or otherwise; *Bacon*, *Hams*, *Tongues*, *Butter*, *Cheese*, *Potatoes*, *Rice*, *Sago*, *Sago Powder*, *Tapioca*, *Vermicelli*, *Millet Seed*, *Poultry*, *Fowls*, *Eggs*, *Game*, and *Sour-Crout*, DUTY FREE, provided due entry be made.—This authority is continued until six months after the ratification of a definitive treaty of peace, by 51 Geo. III. cap. 14.

123 PUREE—*as PAINTERS' COLOURS.**

124 QUICKSILVERper lb.

0 1 4
0 0 4

0 1 8

125 RADIX Contrayervaper lb.

0 1 4
0 0 4

0 1 8

RATTANS—See CANES.

* This article has sometimes been charged with duty as Goods manufactured.

	Branches	Total Duties
	<i>L s. d.</i>	<i>L s. d.</i>
126 RAVENSARA—as DRUGS unmanufactured		
127 REDWOOD.....per ton	1 10 0 0 7 6	1 17 6
128 RHUBARBper lb.	0 1 8 0 0 5	0 2 1
129 RICEper cwt	0 6 0 0 1 6	0 7 6
[See PROVISIONS]		
— Ornaments—as GOODS manufactured.		
1/2 Rock ALUM.....per cwt	0 9 4 0 2 4	0 11 8
Royal Water—as GOODS manufactured		
130 Rosewood.....per cwt.	1 16 0 0 9 0	2 5 0
— Oil of—as OIL not otherwise described.		
131 ROUGE—as PAINTERS' COLOURS.		
132 RUBIES—See EMERALDS		
RUMper gallon	0 1 0 0 0 3	0 1 3
Excise	'	0 15 5 <i>½</i>
133 RUNGAMATTA—as DRUGS unmanufactured.		
134 SAFFLOWERper cwt.	0 7 0 0 1 9	0 8 9

	Branches.	Total Duty.
	<i>£ s. d.</i>	<i>£ s. d.</i>
135 SAFFRON.....per lb.	0 6 0 0 1 6	0 7 6
136 SAGO, or <i>Sago Powder</i>per lb. [See PROVISIONS.]	0 0 6 0 0 1½	0 0 7½
137 SAL Ammoniacus.....per lb.	0 0 4 0 0 1	0 0 5
138 — Gemper cwt.	0 6 0 0 1 6	0 7 6
139 SALEP, or <i>Salop</i>per lb.	0 1 0 0 0 3	0 1 3
140 SALTPETRE*.....per cwt.	0 0 4 0 0 1	0 0 5
142 SANDAL Wood—as SAUNDERS. — Manufactures of—as Goods manufactured. — Oil of—as OIL not otherwise described.		
141 SANGUIS Draconis, or <i>Dragon's Blood</i> per lb.	0 1 4 0 0 4	0 1 8
<i>Note</i> —The allowance made for Flage is generally 12½ per cent.		
142 SAUNDERS, Red.....per cwt.	0 8 4 0 0 10	0 4 2
— White or Yellow.....per lb.	0 0 8 0 0 2	0 0 10
143 SCAMMONY	0 5 4 0 1 4	0 6 8

* The provision of 31 Geo. III. cap. 42, by which the East India Company were required to put up at their sales certain quantities of Saltpetre at certain rates, or to reserve and deliver into the King's stores certain quantities at certain rates, is repealed. 33 Geo. III. cap. 155, s. 21.

	Branches.	Total Duty.
	£ s. d.	£ s. d.
144 SEA Cow, Sea Horse, or Sea Morse Teethper lb.	0 1 4 0 0 4	0 1 8
145 SEA-Shells, not wrought, or artificially polished—as Goods <i>unmanufactured</i> .		
146 SEALING Wax—as Goods <i>unmanufactured</i> .		
7 SEED, Anise, or <i>Anisseed</i>per cwt.	1 16 0 0 9 0	2 5 0
— Coriander.....per cwt.	0 7 6 0 1 10½	0 9 4½
57 — Cumminper cwt.	0 12 6 0 3 1½	0 15 7½
— Forest.....per £100 value	25 0 0 6 5 0	31 5 0
— Garden, not otherwise describedper lb.	0 0 6 0 0 1½	0 0 7½
173 — Worm.....per lb.	0 1 0 0 0 3	0 1 3
— not otherwise described, or charged with duty, per £100 value	25 0 0 6 5 0	31 5 0
81 SEED Lac	0 0 6 0 0 1½	0 0 7½
147 SENA.....per lb.	0 1 0 0 0 3	0 1 3
174 SERA Root—as ZEDOARIA.*		

* By Board's Order, dated July 14, 1809.

	Branches.	Total Duty.		
		£	s.	d.
148 SHAWLS manufactured of Hair, or Cotton Wool, or any mixture thereof	per £100 value	50	0	0
		12	10	0
				62 10 0
SHEEP's Wool.....	per cwt.	0	6	4
		0	1	7
				0 7 11
81 SHELLAC.....	per lb.	0	0	6
		0	0	1½
				0 0 7½
SHIPPING,* entering <i>Inwards</i> (except in ballast) from any port or place within the limits of the East India Company's Charter	per ton bur.	0	3	0
		0	3	0
				0 6 0
Dock duty				0 0 7
149 SILK, Floss--as Goods unmanufactured.†				
— Knubs or Husks of.....	per lb.	0	3	0
		0	0	9
— Raw, Bengal	per lb.	0	3	0
		0	0	9
— of any other sort.....	per lb.	0	4	6
		0	1	1½
— Waste.....	per lb.	0	3	0
		0	0	9
				0 5 7½
				0 3 9
<i>Note.—The Waste Silk produced from the Raw Silk, which the East India Company are permitted to organize in this country, previous to the sale, is charged with duty as Raw Silk.</i>				
SILVER Coin....	} See BULLION.			
Ore				
Plate—See PLATE.				

* The duty on shipping, as imposed by 49 Geo. III. cap. 98, remains as before.

† By Board's Order.

	Branches.	Total Duty.
	£ s. d.	£ s. d.
SKINS in the hair, not tanned, tawed, or in any way dressed; viz.		
— Calf	per dozen	0 1 8
		0 0 5
		<hr/>
— Dog	per dozen	0 0 8
		0 0 2
		<hr/>
— Elk	per skin	0 0 10
		0 0 2½
		<hr/>
— Seal	per skin	0 0 2
		0 0 0½
		<hr/>
— undressed, viz.		0 0 2½
		<hr/>
— Husse	per skin	0 0 4
		0 0 1
		<hr/>
— Leopard	per skin	0 8 0
		0 2 0
		<hr/>
— Martin	per skin	0 1 0
		0 0 3
		<hr/>
— Squirrel	per 100 skins	0 9 4
		0 2 4
		<hr/>
— Tiger	per skin	0 8 0
		0 2 0
		<hr/>
— and Furs, or pieces of Skins and Furs, raw or undressed, not otherwise described or charged with duty	per £100 value	0 10 0
		<hr/>
	25 0 0	
	6 5 0	
	<hr/>	
tanned, tawed, or in any way dressed per £100 value		
		31 5 0
		<hr/>
	50 0 0	
	12 10 0	
	<hr/>	
	62 10 0	

	Branches.	Total Duty.
	£ s. d.	£ s. d.
150 SNUFFper lb.	0 1 4 0 0 4	0 1 8 0 5 5
SOAP (except <i>Banda Soap</i>)—as <i>Goods manufactured.</i>		
151 SOY—as <i>Goods manufactured.</i>		
152 SPELTER—as <i>Goods manufactured.</i>		
153 SPIKENARDper lb.	0 2 4 0 0 7	0 2 11
154 SPIRITS, the produce of the Cape of Good Hope.....per gallon	0 1 0 0 0 3	0 1 3 0 17 0 $\frac{3}{4}$
155 SQUILLSper cwt.	0 4 0 0 1 0	0 5 0
156 SQUINANTHUMper lb.	0 0 8 0 0 2	0 0 10
81 STICKLACper cwt.	0 6 4 0 1 7	0 7 11
STOCKINGS of Cotton—per £100 value	50 0 0 12 10 0	62 10 0
STONE; articles manufactured there- of—as <i>Goods manufactured.</i>		
STONES, rough—as <i>Goods unmanu- factured.</i>		
157 STORAX <i>Calamita</i> , or <i>Liquida</i> —per lb.	0 1 0 0 0 3	0 1 3
— in the Tear or Gum—per lb.	0 6 8 0 1 8	0 8 4

	Branches.	Total Duty.
	£ s. d.	£ s. d.
158 SUCCADESper lb.	0 2 6 0 0 7½	0 3 1½
<i>Note.—One third is the usual allowance for tare of the Jars.</i>		
159 SUGARper cwt.	1 10 6 0 9 6	2 0 0
<i>Note.—The Lords of the Treasury are authorized to suspend a part of the ordinary duty on sugar, in the following proportion, according to the average price of the article, published in the London Gazette, taken for four months preceding the 5th of January,* 5th of May, and 5th of September respectively, viz.</i>		
If the price be below 49s....1s. per Cwt. 48s....2s. 47s....3s.		
Part of the permanent duty is likewise suspended when the average price, taken as before described, shall exceed 60s. per cwt. in the following proportion, viz.		
When it shall exceed 60s....1s. per Cwt. 61s....2s. 62s3s.		
and in the same proportion to 69s. when 10s. per Cwt. and no more shall be suspended.		
160 SUGAR Candy, Brownper cwt.	4 10 0 1 2 6	5 12 6
Whiteper cwt.	7 4 0 1 16 0	9 0 0
161 TALC.....per lb.	0 0 6 0 0 1½	0 0 7½
162 TAMARINDSper lb.	0 0 6 0 0 1½	0 0 7½
<i>Note.—When brought in Jars, the allowance made for Tare is usually one-third.</i>		

* The average price of sugar on the 5th of January, 1814, was above 49s. consequently no reduction has taken place.

	Branches.	Total Duty.
	£ s. d. Permanent.	£ s. d.
163 TEA* per £100 value		
	Excise	90 0 0
164 TEAKE Wood, 8 inches { per Load, containing 50 cubic feet. square, or upwards {	1 4 4 0 6 1	1 10 5
— under 8 inches square —as Goods <i>unmanufactured</i> .		
165 TERRA Japonica per lb.	0 0 8 0 0 2	0 0 10
THREAD, Cotton per £100 value	50 0 0 12 10 0	62 10 0
166 TIN—as Goods <i>unmanufactured</i> .		
26 TINCAL, or Borax unrefined per lb.	0 0 6 0 0 1½	0 0 7½
167 TOBACCO per lb.	0 0 8 0 0 1½	0 0 9½
	Excise	0 1 11
TORTOISESHELL, manufactures of per £100 value	50 0 0 12 10 0	62 10 0
— rough and unmanufactured per lb.	0 3 2 0 0 9½	0 3 11½
<i>Note.</i> —A trifling allowance is generally made for <i>Cane binders</i> .		
Toys, not otherwise charged with duty—as Goods <i>manufactured</i> .		

* This article, as before stated, can only be imported by the East India Company.—The manner of ascertaining the value of Tea, continues the same as before the passing of the late Acts, as well as the mode in which the duty hereon has been paid or secured.

	Branches.	Total Duty.
	<i>£ s. d.</i>	<i>£ s. d.</i>
168 TURBITH	per lb.	
	0 2 0	0 2 6
	0 0 6	
169 TURMERIC	per lb.	
	0 0 6	0 0 6
	0 0 1½	
170 TURPENTINE Oil	per lb.	
	0 0 6	0 0 7½
	0 0 1½	
171 TUTENAGUE — as Goods manufac- tured.		0 0 7½
98 ULTRAMARINE— as Goods manufac- tured.*		
172 VERMICELLI	per lb.	
[See PROVISIONS.]	0 0 6	
	0 0 1½	0 0 7½
41 VERMILLION, or Cinnabar	per lb.	
	0 1 8	
	0 0 5	0 2 1
<i>Note.—The allowance made for Skins and Papers is generally about 9 per cent.</i>		
VINEGAR —as Goods manufactured.		
WALKING Canes & Sticks } See CANES WANGHEES.....}		
19 WAX, Bees', unmanufactured, per cwt.	2 12 0	
	0 13 0	
— White, or manufactured, p. cwt.	3 5 0	
	4 18 0	
	1 4 6	
— Candles	per lb.	6 2 6
	0 2 0	
	0 0 6	0 2 6
WHISKIES —as Goods manufactured.		

* By Board's order, dated February 15, 1808.

	Branches.	Total Duty.
	£ s. d.	£ s. d.
WINE, French, imported in a ship British built.....per tun	Permanent	65 13 6
in any other ship..per tun	Permanent	70 0 0
Excise		141 4 6
— Madeira, imported in a ship British built.....per tun	Permanent	44 3 0
in any other ship..per tun	Permanent	47 6 6
Excise		52 10 0
— Rhenish, German, or Hun- gary, in a ship British built, p. tun	Permanent	65 13 6
in any other ship..per tun	Permanent	70 0 0
Excise		52 10 0
— the produce of the Cape of Good Hope, imported in a ship British built.....per tun	Permanent	14 7 0
in any other ship..per tun	Permanent	15 8 8
Excise		17 10 0
— Portugal, Spanish, and all Wine not otherwise described, im- ported in a ship British built, p.tun	Permanent	43 1 0
in any other ship..per tun	Permanent	46 6 0
Excise		52 10 0
63 Woon; Ebony	6 10 0	
	1 12 6	
		8 2 6
127 — Redwood	1 10 0	
	0 7 6	
		1 17 6

	Branches.	Total Duty.
	£ s. d.	£ s. d.
130 Wood; Rosewoodper cwt.	1 16 0 0 9 0	2 5 0
164 — Teake Wood, 8 inches square, or upwards per Load containing 50 cubic feet	1 4 4 0 6 1	1 10 5
— not otherwise charged with duty—as Goods <i>unmanufactured</i> .		
<i>Among which are the following:</i>		
Beef.	Coromandel.	Mahogany.
Calamander.	Emballa.	Sapan.
Caliatour.	Jack.	Satin.
Ceylon.	Jarroll.	Tulip.
Chackrassy.	Kyabooka.	
33 Wool, Carmenia, or Goat Hair, p. lb.	0 0 4 0 0 1	0 0 5
54 — Cotton.....per 100 lbs.	0 8 7 0 8 4	0 16 11
— Articles manufactured of, or any mixture thereof, not otherwise described, p. £100 value	50 0 0 12 10 0	62 10 0
— Lambs' or Sheep'sper cwt.	0 6 4 0 1 7	0 7 11
178 WORM Seedper lb.	0 1 0 0 0 3	0 1 3
YARN, Cotton.....per lb.	0 0 8 0 0 2	0 0 10
174 ZEDOARIAper lb.	0 1 0 0 0 3	0 1 3

	Branches.	Total Duty.
	£ s. d.	£ s. d.
Goods, Wares, and Merchandise, being either in part or wholly MANUFACTURED, not being parti- cularly described, or otherwise charged with duty, and not pro- hibited to be imported into or used in Great Britain per £100 value	50 0 0 12 10 0	62 10 0
Goods, Wares, and Merchandise, not being either in part or wholly manufactured, not being particu- larly described, or otherwise char- ged with duty, and not prohibited to be imported into or used in Great Britain per £100 value	25 0 0 6 5 0	31 5 0

East India goods may be exported, under bond,* directly from the Warehouses, (the Warehousing Duty due upon importation having been paid) without payment of duty.

East India goods must be exported in vessels of 100 tons burthen and upwards.—But His Majesty in Council is authorized to permit goods, the exportation of which is restricted to vessels of a certain size, to be exported in smaller vessels. 48 Geo. III. cap. 126. Act to continue during the present war.

The following articles may be sent by land-carriage from London to out-ports for exportation; viz.—*Arrangoes, Cowries, and Spices*, to any port;—*Prohibited Goods* to Liverpool, Lancaster and Bristol;—*Raw Silk* to Liverpool and Chester;—*Calicoes* and *Prohibited Goods* of a coarse description, whose cost at the Company's sales shall not exceed 18d. per yard, to Southampton, for exportation to Guernsey and Jersey.

* White Piece Goods, Prohibited Goods, Pepper, Spices, Sugar, and Coffee cannot be comprehended in the same bond, but must be kept distinct from each other, and the general description of goods. Prize goods are also paid separately from goods regularly imported.

TABLE (B.)

Drawbacks of the Custom Duties allowed on the exportation of Goods imported from the East Indies and China.

Note.—No Drawback to be allowed on goods not exported within twelve calendar months from the day on which the home consumption duty was paid.

	£ s. d.
*CALICOES, plain, and plain Dimity, which shall have been printed, painted, stained, or dyed in Great Britain.....per £100 value	45 0 0
MUSLINS, plain, and Nankeens, which shall have been printed, painted, stained, or dyed in Great Britain.....per £100 value	20 0 0
SUGAR—according to the average price thereof, published in the London Gazette, (exclusive of the Duties of Customs payable on importation) viz.	
If it shall exceed 40s. per cwt.per cwt.	1 2 0
Exceeding 40s. and not exceeding 45s..per cwt.	1 1 0
45s.....50s..per cwt.	1 0 0
50s.....58s..per cwt.	1 0 0
58s.....60s..per cwt.	0 18 0
60s.....62s..per cwt.	0 16 0
62s.....64s..per cwt.	0 14 0
64s.....66s..per cwt.	0 12 0
66s.....68s..per cwt.	0 10 0
68s.....70s..per cwt.	0 8 0
70s. no drawback to be allowed.	

Besides the above, all the temporary or war duty is drawn back; but when the price is so low as to reduce the temporary duty, (see Table A.), the drawback will be reduced in the same proportion.

Note.—If exported in a ship not British built, the drawback is 1s. per cwt, less than if in a British ship.

* White Piece Goods may be taken out of the warehouses (under bond to return them within a limited period) without payment of duty, for the purpose of being printed, dyed, cleaned, refreshed, callendered, &c. by permission of the Board of Customs, under the authority of warrants from the Lords of the Treasury, dated Sept. 9, 1802, and July 18, 1809.

	£ s. d.
TEA* per £100 value	6 0 0
TOBACCO, manufactured in Great Britain, according to law, into Short-cut, Shag, Roll, or Carrot Tobacco, and exported per lb.	0 0 6
— and besides, for such Carrot Tobacco, per lb.	0 0 1
WINE, French, exported to any British Colony or Plantation in America, to any British Settlement in the East Indies, to China, to Brazil, or any other of the territories or possessions of the Crown of Portugal in South America, or to any of the Territories of the United States of America, p. tun	59 17 0
— exported to any other place per tun	54 12 0
— exported to any British Colony or Plantation in America; to Brazil, or any other of the territories or possessions of the Crown of Portugal in South America, or to any of the territories of the United States of America, <i>viz.</i>	
Rhenish, German, and Hungary per tun	59 6 6
the produce of the Cape of Good Hope, per tun	13 6 0
Madeira, Portugal, Spanish, and all wine not otherwise described per tun	39 18 0
— exported to any other place, <i>viz.</i>	
Rhenish, German, and Hungary per tun	54 1 6
the produce of the Cape of Good Hope, per tun	12 5 0
Madeira, Portugal, Spanish, and all wine not otherwise described per tun	36 15 0

No Drawback is allowed on the exportation of any other East India Goods upon which the duties may have been paid, unless exported to Ireland.

* * East India raw sugar refined in Great Britain, is entitled to the same BOUNTY when exported as West India sugar.

* Tea may be exported to Ireland, before the prompt day, free of duty.
A certain quantity (200,000 lbs.) is allowed every quarter to be exported to the Continent of Europe, and other parts, free of duty, by warrant of the ~~Lords~~ of the Treasury.

TABLE (C).

A Table of the Duties payable on Goods, Wares, and Merchandise exported from Great Britain to the East Indies and China.

BRITISH PRODUCE AND MANUFACTURES.

	Permanent.	Temporary.
	£ s. d.	£ s. d.
All Goods, Wares, and Merchandise of the growth, produce, or manufacture of the United Kingdom, (except Bullion; Cotton Yarn, and Cotton Manufactures; Linen, British and Irish; Mclasses; Irish Beef and Pork; Greenland Train Oil; Sugar, refined, of all sorts, and Sugar called Candy; Woollen Goods; and Military Stores exported by the East India Company) ---per £100 value*	—	6 0 0
In addition to which, the following duties are payable on certain articles, viz.		
ALUMper cwt.	0 1 3	—
CARDS, New Wool.....per dozen	0 0 9	—
Old Woolper dozen	0 0 6	—
COALS, usually sold by measure per chaldert†	1 2 0	0 2 9
usually sold by weight per ton	0 7 9	0 1 0
COPPERAS.....per £100 value	6 0 0	—
CULMper chaldert†	0 6 0	—
GLUEper cwt.	0 1 0	—
HAIR, Bull, Cow, or Oxper cwt.	0 2 6	—
Hartper cwt.	0 2 0	—

* Which value must be ascertained by declaration of the exporter or proprietor, or his agent: if the goods be undervalued, the officers may detain them, upon paying to the proprietor his declared value only, without any additional 10 per cent. 49 Geo. III. cap. 98.

† Newcastle measure.

	Permanent	Temporary.
	£ s. d.	£ s. d.
HAIR, Horse per cwt.	0 7 4	—
— not particularly described, and not prohibited to be exported per £100 value	6 0 0	—
HORSES, Mares, and Geldings each	2 2 0	—
LAPIS Calaminaris per £100 value	6 0 0	—
LEAD, cast or uncast per ton	3 10 0	—
— ore per £100 value	6 0 0	—
LEATHER of all sorts, tanned, tawed, or dressed per cwt.	0 1 4	—
LITHARGE of lead per cwt.	0 0 4	—
SKINS, Badger each	0 0 1	—
— Calf, tanned, tawed, or dressed per cwt.	0 1 4	—
— Cat per 100	0 1 8	—
— Coney, tawed, or dressed, per 120	0 1 4	—
— Dog per dozen	0 0 2	—
— Fox each	0 0 1	—
— Kid, dressed per 100	0 0 10	—
— in the hair per 100	0 0 8	—
— Otter, raw each	0 0 1	—
— tawed or dressed each	0 0 2	—
— Sheep and Lamb, tanned, per cwt. tawed or dressed	0 1 4	—
— without the wool per 120	0 8 0	—
— Squirrel per 1000	0 3 0	—
— Swan each	0 0 2	—
— or pieces of Skins, not particu- larly described, and not prohibited to be exported per £100 value	6 0 0	—
TIN, unwrought* per cwt.	0 3 8	—

* Unwrought Tin may be exported free of duty to any place situate beyond the Cape of Good Hope, security being given to land it beyond the Cape. The bond to be discharged by a certificate under the hand and seal of the East India Company's chief Supercargo, if landed in China; or by a like certificate from the Governor, or two of the Council, if landed at any of the Company's Settlements in the East Indies; or by a like certificate from two principal merchants, if landed at any place beyond the Cape where the Company have no Settlement or Supercargo. The said certificate to be produced to the Collector or Comptroller of the Customs at the port of exportation, or to the Commissioners, within thirty months from the date of the bond. ³⁶
Geo. III. cap. 4.

FOREIGN PRODUCE AND MANUFACTURES.

	Permanent.	Temporary.
	£ s. d.	£ s. d.
AGARIC, rough or untrimmed	per lb. 0 0 1 $\frac{1}{2}$	0 0 0 $\frac{1}{2}$
— trimmed or pared	per lb. 0 0 4 $\frac{1}{2}$	0 0 2 $\frac{1}{2}$
ANNOTTO	per lb. 0 0 1 $\frac{1}{2}$	0 0 0 $\frac{1}{2}$
ANTIMONIUM Crudum	per cwt. 0 0 4 $\frac{1}{2}$	0 0 2 $\frac{1}{2}$
AQUAFORTIS	per gallon 0 0 4 $\frac{1}{2}$	0 0 2 $\frac{1}{2}$
ARGOL	per cwt. 0 0 9	0 0 4 $\frac{1}{2}$
ARSENIC	per cwt. 0 4 9	0 2 4 $\frac{1}{2}$
BERRIES, Bay	per cwt. 0 0 3	0 0 1 $\frac{1}{2}$
COCHINEAL	per lb. 0 0 4 $\frac{1}{2}$	0 0 2 $\frac{1}{2}$
CREAM of Tartar	per cwt. 0 1 3	0 0 7 $\frac{1}{2}$
GALLS	per cwt. 0 1 3	0 0 7 $\frac{1}{2}$
GUM Arabic	per cwt. 1 16 9	0 18 4 $\frac{1}{2}$
— Senega	per cwt. 0 6 6	0 3 3
— Sticklac	per cwt. 0 4 9	0 2 4 $\frac{1}{2}$
ISINGLASS	per cwt. 0 1 0	0 0 6
LAPIS Calaminaris	per £100 value 6 0 0	3 0 0
LINEN, plain, exported directly from the warehouses	per £100 value —	15 0 0*
LITMUS	per cwt. 0 0 9	0 0 4 $\frac{1}{2}$
MADDER	per cwt. 0 1 0	0 0 6
— Roots	per cwt. 0 4 9	0 2 4 $\frac{1}{2}$
ORCHAL	per cwt. 0 1 3	0 0 7 $\frac{1}{2}$
ORCHELIA	per cwt. 0 0 9	0 0 4 $\frac{1}{2}$
POMEGRANATE Peels	per cwt. 0 0 6	0 0 3
SAFFLOWER	per lb. 0 0 1 $\frac{1}{2}$	0 0 0 $\frac{1}{2}$
SAL Ammoniacus	per cwt. 0 4 9	0 2 4 $\frac{1}{2}$
— Gum	per cwt. 0 4 9	0 2 4 $\frac{1}{2}$
SAUNDERS, Red	per cwt. 0 0 10 $\frac{1}{2}$	0 0 5 $\frac{1}{2}$
SHUMAC	per cwt. 0 0 6	0 0 3
SKINS, Beaver	each 0 0 9	0 0 4 $\frac{1}{2}$
TORNAL, or Turnsole	per cwt. 0 4 9	0 2 4 $\frac{1}{2}$
VALONIA	per cwt. 0 4 6	0 2 3
VERDORIS	per lb. 0 0 1 $\frac{1}{2}$	0 0 0 $\frac{1}{2}$
Wood, Brand	per cwt. 0 1 3	0 0 7 $\frac{1}{2}$
— Brasiletto, or Jamaica Wood	per cwt. 0 0 9	0 0 4 $\frac{1}{2}$
— Fustid	per cwt. 0 0 3	0 0 1 $\frac{1}{2}$
Logwood	per cwt. 0 1 3	0 0 7 $\frac{1}{2}$

* This duty is collected by entry inwards.

† Logwood may be exported, if regularly entered, and in British ships,
free of duty. 7 Geo. III. cap. 47.

	Permanent.	Temporary.
	£ s. d.	£ s. d.
WOOD, Nicraguaper cwt.	0 0 3	0 0 1½
— Red, or Guinea Wood ..per cwt.	0 1 0	0 0 6
— Sapanper cwt.	0 0 6	0 0 3
WOOL, Beaverper lb.	0 5 0	0 2 6
SHIPPING entering outwards (except in ballast) for any port or place within the limits of the Company's Char- ter.....per ton burthen	0 3 0	0 3 0
Dock Duty.....0 0 7		
APPAREL and baggage of passengers, worn, or intended to be worn, and not for merchandise, may be ex- ported in moderate quantities, <i>free of duty</i> , due entry being made.*		

* This practice is founded on the opinion of the Attorney and Solicitor General; the articles not being deemed within the meaning of the Acts imposing duties on goods exported.

P A R T III.

A COMPENDIOUS DESCRIPTION

OF THE

CHIEF ARTICLES

Enumerated in

TABLE (A.)

PART III.

A compendious Description of the chief Articles enumerated in Table (A.)

- 1 AGATE, a kind of precious stone, composed of silex and alumine, found in various parts of the East Indies, and there wrought into beads and other similar ornaments. Agate is formed from petrified wood. It varies in appearance.
- 2 ALKALI, a denomination which now comprehends a variety of articles, possessed of similar properties, which are distinctly enumerated. According to the present chemical nomenclature, Alkalies are divided into three classes: 1. *Mineral*, or *Soda*. 2. *Vegetable*, or *Potass*. 3. *Volatile*, or *Ammonia*.
- 3 ALOES is the inspissated juice of the Aloe Plant. It is usually considered of three sorts:—The *Socotorine*, (so named from the Island Socotra, whence it was first brought), which comes in skins, is the purest, and most transparent. It is of a bright surface, in some degree pellucid; colour, in the lump, a yellowish red, with a purplish cast; when reduced to powder, of a golden hue. In winter it is hard and friable; rather pliable in summer, and softens between the fingers; smell not very unpleasant, somewhat resembling myrrh.—*Hepatic*, *Barbadoes*, or *Common Aloes*, chiefly brought from Barbadoes, in casks, is of a darker colour than the last, and not so clear and bright; generally drier, and more compact; smell stronger, and more disagreeable; taste intensely bitter; without the aromatic flavour of the Socotrine. The *Caballine*, or *Horse Aloes*, which is used only by farriers, resembles in appearance the Hepatic, and sometimes the

Socotorine, but is easily detected by its rank and offensive smell. A mountainous tract, about fifty miles from the Cape of Good Hope, is almost entirely covered with the Aloe plant.—The *Aloes Wood*, or Calambac, is a fragrant wood, highly valued in the East, growing in Java and Cochin China.

- 4 **ALUM**, a saline substance of an extremely acid and astringent taste. It is generally a preparation from aluminous earths. This is the case with the *Roch Alum*, so called from having been originally procured from Roccho, a city in Syria. It is used in medicine, but principally in the arts.
- 5 **AMBER**, an odiferous, hard, bituminous, transparent substance, resembling a gum in appearance, sometimes found in this country. It is, in a slight degree, magnetic, and yields a fragrant smell when rubbed. It is not otherwise brought from the East Indies than wrought into beads and other similar ornaments.
- 6 **AMBERGRIS**, a light, inflammable, bituminous substance, fusible and fragrant with a gentle heat. It is generally found floating on the sea, adhering to rocks, or thrown upon the shore, in various parts of the world, and is supposed to be generated in the stomachs of spermaceti whales. The value of this article depends upon its purity, lightness, compactness, colour, (which should be dark ash), and grateful smell. It is often counterfeited, and adulterated; but may be known to be genuine by the fragrant scent it exhales when perforated by a hot needle or pin; and by its melting, like fat, of an uniform consistence. It is used as a perfume, and sometimes as a medicine.
- 7 **ANNISEED**—*Anise-seed, starry*, (so called from the seeds being contained in starry capsules), are produced from a small tree in China, and the Phillipine Islands. Like the common Anise-seeds they are employed in medicine as a carminative, but possess a stronger and more grateful aromatic taste. The Chinese use them in the preparation of their tea, and chew them to sweeten the breath. The starry Anise-seeds like-

wise afford by distillation a larger proportion of essential oil, which is also used as an aromatic, and is of a light gold colour, smell rather sickly and oppressive.

8 ANNOTTO, a kind of red dye, brought chiefly from the West Indies. It is there produced from the pulp of the seed-capsules of a shrub called *Urucu*, (whence its name *Rowcou*), and is used in Spanish America occasionally as a medicine: here it is only employed as a dye.

9 AQUAFORTIS, or *Nitrous Acid*, is procured by distilling nitre, or saltpetre, and sulphuric acid: the acid thus obtained is afterwards impregnated with nitrous gas. It is used in dying, gold-refining, medicine, and in a great variety of manufactures.

10 ARANGOES, a coarse kind of large beads, made from the cor-nelian, in different shapes, generally cylindrical. They constituted an article of traffic with Africa previous to the abolition of the Slave-trade, but are now seldom imported.

11 ARECA Nuts are produced by a kind of palm. A preparation is made from these nuts, and the leaves of the Betel plant, which is constantly chewed, like tobacco, by the natives of the East Indies and China, as a preservative of the teeth.

12 ARRACK, or Arac. There are two methods by which this spirit is procured in the East Indie, Goa and Batavia are the places where Arrack is chiefly manufactured. At the former place it is made from Toddy, a vegetable juice obtained by incision from the cocoa-nut tree. The Batavian Arrack is distilled from rice and sugar. There are also the *Panier* Arrack, made at Madras; the *Columbo* Arrack, the *Quilone* Arrack, &c. but these are little valued by Europeans, and seldom imported. Arrack is the general name given by the natives of India to all strong waters. They call our spirits *English Arrack*.

13 ARROW Root. This plant is a native of various parts of India. The root is beaten into a pulp with water, dried, and reduced into a fine mealy powder.

14 ARSENIC, a mineral of a very poisonous quality, is exhibited in a variety of combinations. In its pure metallic state, it is a friable, brilliant metal, of a bluish white colour, easily tarnishing by exposure to the air. The article brought from India, under the name of *Hartall*, is Arsenic combined with sulphur, and is described under the head of ORPIMENT—See 118.

15 ASSAFETIDA, or *Devil's Dung*, a gum-resin, procured from a plant growing in several mountainous parts of Persia, principally in the province of Læs. It is brought in masses differing in size and form, of a yellow brown or bluish colour, interspersed with roundish pieces, white in the inside, which are the Assafetida in tears, and the purest. Its smell is excessively strong and fetid, somewhat resembling that of garlic; taste bitterish, acrid, and biting. It is of considerable use in medicine.

16 BALSAM.—The only *natural* balsam of India is the celebrated *Balsam of Mecca*, procured from Arabia. The *Rachasira Balsam*, resembling that of Tolu, is supposed to be factitious.—*Artificial Balsams* are preparations compounded of resinous or aromatic drugs, the whole brought to a consistence, so as to resemble natural balsams.

17 BARILLA is impure Mineral Alkali, or Soda, produced by burning to ashes the Salsola and Kali plants, growing on the sea-shore. It is brought in dark porous masses, sometimes covered with a slight efflorescence, and of a strong alkaline taste. *Kelp* (as British Barilla is called), *Salsola Soda*, *Natron*, and *Barilla*, are all carbonates of Soda.

18 BALSITUM, a gum-resin, brought in irregular brittle masses, of a deep brown colour when broken, interspersed with more transparent parts, and mixed with small twigs, and other accidental impurities: smell somewhat fragrant; taste rather bitter and pungent. In its properties, as well as in external appearance, it resembles myrrh, but is less powerful. Its origin is uncertain, but is supposed to be Africa.

19 BEES' WAX.—The best sort should be of a lively yellow colour, and an agreeable smell; not too hard or brittle. The *White* (sometimes called *Virgin Wax*) is produced by purifying and bleaching the other.

20 BETEL.—The leaves of this plant (a kind of pepper) are chewed in great quantities in the East Indies and China. A powder is also prepared from the betel leaf, the Areca nut, and Catechu, to cleanse and preserve the teeth.

21 BENJAMIN, or Benzoin, a gum-resin obtained from a large tree in the East Indies, Sumatra, Arabia, &c. is brought in large brittle masses of a light yellow, interspersed with white nodules, which are the most esteemed; smell very fragrant, with scarcely any taste. It varies much in quality and appearance. Benjamin is used a little in medicinal compounds, but chiefly in fumigations of various kinds. It yields the Benzoic acid, a curious article in chemistry, in considerable quantity.

22 BEZOAR, or Bezoard, a stony concretion formed in the stomach of some ruminating animals, said to be of the goat species. The Oriental Bezoar is the most valuable, and exceedingly scarce. Its price is in proportion to the size. A stone of 1 oz. has been sold in India for £5; and one of $4\frac{1}{2}$ oz. for £100. It was formerly supposed to be an antidote to poison. When genuine, it varies in form, is smooth and glossy on the surface; colour, a dark green, or olive; and is generally less in size than a walnut. Its use is medicinal; but the Oriental alone is used by the London College. The imitation of these stones is carried to great perfection. Those brought from India are generally suspected to be artificial. The most certain mode of detecting the deception, is by rubbing the stone over a paper previously smeared with chalk, or with quick lime; if genuine, it will leave a yellow tint on the former, and a green tint on the latter.

23 BIRDS OF PARADISE are found in some of the islands of the Indian Ocean, as well as in New Guinea. They are much

valued by the natives, who use them as ornaments for the head.

24 BITUMEN, a general name for the mineral inflammables. *Petroleum*, a bitumen produced in considerable quantity in the Birman Empire, is used by the natives as oil for lamps, and mixed with earth or ashes, for fuel. Its colour is a reddish or brownish black, more or less translucent; consistence varying according to temperature; unctuous and clammy to the touch; of a strong disagreeable odour, and pungent acid taste. There is likewise a bitumen called *Asphaltum*, resembling pitch, collected on the shores of the Dead Sea.

25 BOMBAY BOXES are principally ladies' work-boxes of elegant workmanship. The outside is of ivory, curiously inlaid; the internal part of sandal wood.

26 BORAX, a saline substance procured from a lake near Thibet, a mountainous district north of Hindostan. The edges and shallows of the lake are covered with a stratum of Borax, which is dug up in considerable masses. In its rough state it is called *Tincal*, and is brought in the form of a brownish grey, impure, amorphous salt, or in detached crystals, less than an inch in length, and of the form of compressed hexagonal prisms. Sometimes it is brought partially refined; but when pure, is in colourless crystalline masses. Crude Borax is often covered with an oily or greasy matter, to prevent it from efflorescing. Its uses in the arts are considerable, being a very active flux. In the East Indies it is employed, in the moist way, as a solvent for Gum Lac.

27 CAJEPUT or *Cajeputia* Oil, an essential oil procured from the dried leaves of the *Melaleuca Leucadendrum*, a tree which grows abundantly in some of the Molucca Islands. It is a very limpid fluid, with a green tinge; specifically lighter than water; of a very penetrating and peculiar smell, resembling a mixture of ether and camphor; very inflammable; acrid and stimulating to the taste. Its medicinal qualities, whether taken internally, or applied topically, are

useful. It destroys insects, and is a perfect solvent of Caoutchouc, or India rubber, by which a varnish may be made. It is manufactured in considerable quantity at Amboyna, Batavia, and other Dutch settlements.

28 CALAVANCES, or *Garavances*, a kind of pulse, resembling peas.

29 CAMPHIRE, or *Camphor*, a white translucent crystalline substance, possessing a peculiar fragrant odour, not unlike that of rosemary; rather clammy to the touch, and tenacious between the teeth; so inflammable, that it burns even on water. It is procured from a large forest tree, growing wild in the Islands of Borneo and Sumatra. The wood has a strong odour of Camphire, and the branches often yield, spontaneously, a quantity of oil. Camphire is brought in irregular lumps, of a yellowish grey colour, spongy, and very light. It sometimes undergoes a partial refinement in the East Indies; but, when thoroughly purified, it assumes a close and foliated texture. Camphire may be procured in small quantities by distillation from the Cinnamon, Cassia, Sassafras, and other trees. China also produces a considerable quantity of Camphire. It is employed in medicine.—The *Oil of Camphire* sometimes exudes spontaneously (as before mentioned), but is chiefly procured by incision from the tree. The *Wood* being rendered by its odour impenetrable by insects, is therefore in request for packages.

30 CANES, various species of reeds growing in great plenty in the East Indies and China. The chief are the *Bamboo*, a large reed, growing sometimes to the height of forty feet; used in China for a great variety of purposes, even in the manufacture of paper. The chests in which tea is sent to Europe are lined with the leaves of the Bamboo.—The *ground Rattan* or *Rotang* is the joint near the root of another sort of reed. The joints are straightened by the fire, which occasions the shades or clouds sometimes seen in them: used as walking sticks.—The *common Rattan* is a

smaller sort, brought from China, Japan, and Sumatra, very strong and tough; split, and used for making chairs, couches, and for other similar purposes.—*Wanghee*, a very flexible reed; joints short, and knots very regular. brought from China, and used for walking.

31 CANTHARIDES. These insects, known under the name of *Spanish Flies*, are of a beautiful green colour, with a gold lustre. They are common in hot countries. The Italian flies are the largest, but the Spanish are reckoned the best. They are seldom, if ever, imported from the East Indies.

32 CARDAMOMS are produced in considerable quantity on the Coast of Malabar, and likewise in Ceylon. In order to preserve their flavour, they are brought to Europe in their natural husk or pod, which contains several rows of small triangular brownish seeds. When chewed, they communicate a grateful aromatic and rather pungent warmth to the mouth. They are used in medicine chiefly as an aromatic and cordial.—There is another sort without the husk, (though seldom imported from India), called the *greater Cardamom Seeds*, and also *Grana Paradiso*, larger and less aromatic than the former.

33 CARMENIA or Carmaria Wool, a kind of goat's hair, brought from Carmania, a country of Asia Minor.

34 CARMINE, a beautiful red precipitate of the colouring matter of Cochineal; used as a pigment and cosmetic.

35 CASHEW Nuts, the seeds of the *Anacardium*, a native of Ceylon and Malabar. The nut is kidney-shaped, and of an ash colour. A small quantity of fine semi-transparent gum, resembling gum Arabic, exudes annually from this tree, which is the *Gum Cashew*.

36 CASSIA, an aromatic shrub, resembling Cinnamon, produced in almost all the warmer parts of India. The *Buds* are the blossom-buds or berries of the shrub, and are not much unlike cloves in form, but not so dark in colour, nor so aromatic: used in distillations. The *Fistula* is a pod, like a

reed in shape, (of a smaller diameter from India than from other parts), containing seeds lodged in a black sweetish grateful pulp, which is used in medicine, as a purgative. *Cassia Lignea* is the bark prepared in a similar manner as cinnamon, which it much resembles, and generally passes for it in the shops. The best comes from China. The *Cassia Oil* is distilled from the bark, and possesses similar properties to that of cinnamon, though less in degree.

- 37 CASTOR Oil is obtained from the seeds of the *Palma Christi*, which are whitish kernels enclosed in a brown acrid husk. These seeds contain a pretty large quantity of nearly insipid oil, which they yield either by expression or decoction. The genuine Oil is very thick and viscid, of a light amber or straw colour, with scarcely any smell or taste. It is a valuable laxative medicine.
- 38 CHAYA Root is used for dying. It is brought in small pieces, of a yellow colour, light and porous. The colouring matter resides in the bark of the root.
- 39 CHILLIES, the pods of the *Capsicum*. They are much used in India Pickles, in the preparation of Curry, and in the manufacture of Cayenne Pepper.
- 40 CHINA Root, a medicinal root resembling Sarsaparilla. That which is brought from India is most esteemed, and is longish, full of joints, of a reddish white colour. It should be chosen fresh, hard, heavy, not worm-eaten, and full of an unctuous juice when chewed. It is less used in medicine now than when first imported from China.
- 41 CINNABAR.—*Cinnabaris Nativus* is an ore of mercury, combined with sulphur. Cinnabar is imported from China; generally in a fine powder of a bright crimson colour, and very ponderous, carefully packed in small parcels of skin and paper. Sometimes it occurs in the form of a crystallized mass, brittle, and easily pulverized. The pigment, known by the name of *Vermillion*, is made from Cinnabar, and other articles.

42 CINNAMON, the bark of a tree growing in Ceylon.* It is of a brown red colour, light and thin, and rolled up in long brittle quills, the thinner the more aromatic. Its uses are well known. On account of its high price, Cassia is generally substituted. Cassia may be distinguished by the smooth surface it exhibits when broken, and by its slimy taste. It also wants much of the grateful sweetness of real Cinnamon.—The Oil is prepared exclusively in Ceylon from the Cinnamon tree. It has a clear golden yellow colour, most powerfully fragrant smell, excessively fiery and absolutely caustic taste. It is specifically heavier than water: use medicinal.

43 CLOVES, the buds of the flowers of the Clove tree, growing plentifully in the Molucca Islands. The buds are gathered before they are ripe, and the globule at the top expands, otherwise they lose much of their aromatic quality. They are then dried, either in a kiln, or by the sun, and are generally slightly covered with lime to preserve them. Those are to be preferred which appear plump, are not flexible, leave an oiliness on the fingers when pressed, and retain the globule at the top. Cloves and Nutmegs are often brought together in the same package.—An essential Oil is distilled from Cloves, which is not very pungent, and is used considerably in medicine. The Oil usually imported is supposed, from its acrimony and high colour, to be sophisticated by receiving the resinous part of the Cloves.

44 COCHINEAL, which affords the scarlet-crimson and other valuable dyes, as well as Carmine, is an insect called *coccus*, originally procured from Mexico. It comes in the form of hemispherical shrivelled grains of a deep reddish purple colour, covered more or less with a white down, very light,

* Cinnamon is likewise produced in Cochin China, though a coarse sort, and not brought to Europe. Some Cinnamon, reared on the Peninsula of India, has however been imported.

and easily rubbed to powder with the fingers. The East India Cochineal is small, not very abundant in colouring matter, inferior in quality to Mexican, and is used only for coarse goods. The value of Cochineal depends upon its size, colour, and lustre. The *Dust*, which is sometimes brought, is liable to adulteration; as well as *Granilla*, which is the small or mutilated grains, separated by the sieve.

45 **COCOA NUTS.**—There are two sorts, generally confounded in name, but distinctly dissimilar in appearance. one is the seed of the fruit of the *Cacao* or Chocolate tree, growing chiefly in the West Indies; the other is a large nut, produced by the *Cocos nucifera*, originally a native of Asia. The husk or coat of the shell is manufactured in India into a sort of hemp, called *Coir*, which is extremely durable; and the shell is made into cups and other utensils. The *Oil*, which is obtained by expression of the kernels of the Cocoa Nut, is much used in India, when recent, but it soon becomes rancid, and unfit for use. *Toddy*, a vegetable juice, from which Arrack is distilled, is yielded by the Cocoa tree.

46 **OCULUS INDICUS**, a dark berry, rather oblong in shape, and possessing a very inebriating quality; on which account these berries are employed in India to catch fish, which they intoxicate, if thrown into the water. They are little used here, except (as is reported) for the purpose of adulterating fermented liquors.

47 **COFFEE.**—The most valuable Coffee brought from the East Indies comes from Mocha, in Arabia Felix. Coffee is now produced also in the Mauritius, Batavia, Ceylon, and about Madras. The berries, when ripe, are shaken from the trees, divested of the outer pulp and skin, dried on mats, and are then fit for market. A description of its character and properties is superfluous.

48 **COLOCYNTH, Colocynthida, Bitter Apple**, a species of small gourd, brought chiefly from Aleppo and Cyprus, of a globular shape, yellowish white colour; smooth, of a fungous

texture, divided internally into large cells, containing a number of oblong seeds. The pulp is intensely bitter and nauseous, and a very active medicine.

49 COLUMBO, a root procured chiefly from the Coast of Africa, opposite to Madagascar, where (as well as in this country) it is considered a very valuable stomachic medicine. It is brought in circular pieces, about two inches in diameter, covered with a thick wrinkled bark, externally of a dark brown colour, within of a light yellow; smell slightly aromatic, taste bitter and pungent.

50 CORNELIAN, a species of Chalcedony, found in various parts of India. Its colour is generally blood-red, passing into reddish-white, milk-white, yellow, &c. Cornelians are brought sometimes rough, mostly polished, or wrought into beads, and other ornaments. The *Moss-Agate*, or *Mocha-stone*, (a corruption of the German name *Mochs-stein*) is of the same species.

51 CORTEX PERUVIANUS, *Jesuits' Bark*, brought chiefly, as the name implies, from Peru, is commonly divided into three sorts—*pale*, *red*, and *yellow*. The red is now scarce, the pale comes in pieces of different sizes, some rolled up into short thick quills, others flat; the yellow is in larger pieces, flatter, and thicker.

52 CORUNDUM STONES, or Crystals—*Adamantine Spar*, an alumino-fossil procured from China and the East Indies. The latter, which are the purest, are grey, with shades of green and light brown. The Chinese contain grains of magnetic ore disseminated through their substance; are generally of a darker colour, specifically heavier, in hardness somewhat inferior. They are used throughout India and China for polishing steel and gems. In the *Philosophical Transactions* for 1798 is a valuable paper on Corundum, by Mr. Greville.

53 Costos, a spicy root, somewhat resembling ginger; native of the East Indies.

54 COTTON, the soft vegetable down which envelopes the seeds of the *Gossypium*, or Cotton plant. The colour, (which should

be yellowish,) length, fineness, and strength of fibre, are what constitute its quality. The Cotton, from which the fabrics of India are produced, is supposed to be retained at home to supply the native manufacturers, and consequently unknown in commerce. Cotton is brought in considerable quantities from several parts of India. The chief sorts, and their comparative qualities, are as follow:—*Bourbon*, which is the most valuable, a fine silky staple, very clean.—*Surat*, fine, but very short fibre, generally dirty, containing leaf and sand; the lowest priced.—*Bengal*, much like Surat, but shorter; generally cleaner, about the same value.—*Madras* (not much of it brought) is mostly from Bourbon seed, not unlike it in staple, but dirty, containing much shell; worth little more than Surat.

East India Cotton Wool (with the exception of Bourbon) is the lowest priced in the market. It has not been an article of importation for more than sixteen years.

- 55 **COWRY**, or Kowry, a small shell used in India, particularly at Calcutta, as a coin of little value. Cowries are brought, in exchange for rice, from the Maldivian Islands to Bengal, and thence shipped to England: they were, during the slave trade, exported from hence to Africa, where they are also employed as coin.
- 56 **CUBEBS**, sometimes called *'Wild Pepper*, are small round berries or fruit, resembling pepper, but not so acrimonious, with a little stalk at one end; colour a dark brown outside—whitish within: used in medicine as an aromatic. They are produced in China, and Batavia. It is said, the natives of the latter boil these seeds, to prevent the plant being raised in other countries.
- 57 **CUMIN SEEDS** have a warm aromatic bitterish taste, and a strong, though not disagreeable smell: used in medicine as a carminative and stomachic.
- 58 **CURRY**, a culinary preparation much esteemed in the East Indies. Its ingredients are turmeric, coriander seeds, the pods of the capsicum, and other similar articles, which are

made into powder. It is used in various dishes as a high and provocative seasoning.

- 59 DAMMAR, a sort of resin produced from a tree which grows abundantly on Prince of Wales's Island, and in the neighbourhood of the Straits of Malacca. Mixed with sulphur, it is employed as a substitute for pitch.
- 60 DIAMONDS.—Asia and South America are the only places whence diamonds are procured. The principal diamond mines in Asia are in the Kingdom of Golconda, and the Island of Borneo.
- 61 DOHL, a coarse sort of pulse, resembling pease.
- 62 EARTH OIL, *Oleum Terra*, is the name of a thick mineral fluid, of a dusky brownish black colour, with a faint cast of purple; of the consistence of a thin syrup; very little transparent; of a strong penetrating smell, like that of common oil of amber. It oozes from the cracks of rocks in Sumatra, and other parts of the East Indies: used in medicine. What is commonly brought as Earth Oil, is however only a vegetable oil, impregnated with the virtues of certain fossils, by boiling.
- 63 EBONY.—Black Ebony is produced in Ceylon and Madagascar. The best is of a jet black, free from veins and rind, very massive, astringent, and of an acrid pungent taste. In Madagascar, besides the black, there are the red and green; though the natives call them all indifferently, *Black Wood*.
- 64 EMERALD, a precious stone of a deep green colour, (owing, it is supposed, to a metallic oxide which it contains,) is chiefly procured from Peru, but is occasionally found in Pegu.
- 65 FRANKINCENSE, sometimes called *Gum Thus*, an odoriferous, aromatic gum, or resin, which distils from a tree during the heat of summer, but the tree and place where it grows, are little known. It possesses a strong agreeable odour, and was anciently burnt in temples as a perfume; it is now used in pharmacy as an agglutinant and strengthener. This Gum is brought in various forms: single tears are called *Olibanum*; when two tears are joined together, it is termed *thus masculum*; and when very large, *thus femininum*; if several adhere

to the bark, *thus conticorum*, the fine powder which rubs off the tears, is named *mica thuris*, the coarser powder, *manna thuris*. The Frankincense brought from India is not so good as that from Arabia, which is sometimes called *incense of Mocha*.

66 **GALANGA**, *Galangal*. There are two kinds of this root, the *great* and *small*. The latter is the most esteemed, and is brought in pieces of about an inch long, of the thickness of the little finger, with several protuberances at the end and surface, and surrounded with many circular rings, texture firm and compact, colour brownish red externally, a brighter red within, taste very hot and acrid used a little in medicine. The other Galanga grows in Java and Malabar, is larger, weaker, and more disagreeable. The natives of the East Indies use these roots as spice.

67 **GALBANUM**, a gum-resin obtained by incision in the stem of a plant, growing in various parts of the East. It is brought in large ductile masses, of a pale or brownish yellow colour, intermixed with distinct white grumes, or tears, which are accounted the best part of the mass. It has a strong unpleasant smell, and a warm bitterish acrid taste. Use medicinal

68 **GALLS**, *Gall Nuts*, are produced, like the excrescences on our oaks, by the singular operation of certain insects, that pierce the plants in order to deposit their eggs. When the young insect is hatched, and increases, an excrescence is formed on the plant, which serves it for food and habitation. After changing to a fly, it liberates itself by perforating the nut. Galls are used in medicine, but chiefly in dying, and in the manufacture of ink. They are about the size of nutmegs, less regularly shaped, often covered with small tubercles. The bluish nuts are the highest in price; next to them the greenish from Smyrna. The whitish are the cheapest, and those with perforations, which, being gathered after the insect has escaped, are said to contain less astringent matter.

69 GAMBOGE, *Cambogia Gutta*, or *Cambogium*, a concrete, gummy, resinous juice of a certain tree, growing wild in Cambogia, Ceylon, Siam, and Cochin China. The Siamese Gamboge occurs in small tears, formed as the juice drops from the stalks. In Ceylon it is procured by deep incisions in the bark, afterwards inspissated by the heat of the sun, and moulded into cakes or rolls. Its colour, when pure, is a deep rather dull orange; no smell, and little taste. It is a powerful medicine, and forms a beautiful yellow pigment.

70. GARNET. The oriental, which is the most valuable, is brought principally from Persia. Its colour is crimson, verging to a very red violet. It is found in various sizes. The Garnet appears to be the Caruncle of the Ancients. The white Garnet, called *Leucite*, is generally in small opaque crystals.

71 GINGER is the root of a plant growing in the East and West Indies. The East India Ginger is preferred to that of Jamaica. When the stalks are withered, the roots are dug up, picked, and cleansed. The cause of the difference between the *black* and *white* Ginger is that the first is scalded in boiling water, which gives it the dark appearance; the other is scraped and washed carefully.—*Preserved Ginger* is the root, when green, candied with sugar and honey; being first steeped some time in water, to extract its acrimony, and loosen the outer skin.

72 GINSENG, a root growing in Chinese Tartary (as well as in North America), highly esteemed as a medicine by the Chinese. It is brought in pieces of three or four inches long, about the thickness of the little finger, frequently forked, transversely wrinkled, of a horny texture, both internally and externally of a yellowish white colour; rather sweet to the taste, with a slight aromatic warmth; little or no smell. It is not much esteemed in this country.

73 Gong, or *Loa*, a Chinese musical instrument, composed of a mixed metal, (said to be tin, copper, and bismuth), resem-

bling bronze in appearance. It is in the form of a large flat basin, with a ridge; and, when beaten with a stick or mallet, covered with woollen cloth, or twist, emits a strong reverberating sound. Its value is in proportion to the quantity of metal it contains.

74 GRAM, a kind of Beans, generally brought as food for animals on board ships from India.

GUMS are technically divided into *Mucilages* and *Resins*; the most obvious mark of distinction between which is, that the former are soluble in water, and insoluble in oils and alcohol (pure spirit of wine); the latter are soluble in alcohol and oils, and are insoluble in water. There is likewise a middle class, partaking of the nature of both, and denominated Gum Resins, which are partly soluble in water, and partly in alcohol:—viz.

75 AMMONIACUM, a concrete, gummy, resinous juice, produced from a plant, like Galbanum, which it resembles. It is generally intermixed with seeds and pieces of wood. Good Ammoniac should be in dry drops, white within, yellowish without, resinous, rather bitter and nauseous, of a very sharp taste and smell, somewhat like Garlic. The large white drops or tears are the best part of the gum. Its use is in medicine.

76 ANIME. The oriental Anime, which is a finer sort, is of three kinds: 1. *white*; 2. *blackish*, in smell like Myrrh; 3. *pale*, resinous, and dry. It has little taste, but an agreeable smell; easily breaks between the teeth, but, if chewed for some time, softens, and becomes adhesive; laid on a red hot iron, it melts immediately, catches flame, and burns quickly away, leaving a small quantity of white ashes; it gives little or nothing to water, but dissolves entirely in rectified spirit. It is not used in medicine, but by perfumers, in the composition of certain plasters, and a little in making varnishes.

77 ARABIC, a mucilage which oozes, in most cases, naturally from a tree, and presently hardens into roundish drops. The

colour varies; the best is of a yellowish white. It is used in dying, as a varnish and cement, and likewise in medicine. Its name indicates its origin.

78 **CASHEW**, a fine semi-transparent gum, resembling Arabic, which issues annually in small quantities from the Anacardium, a native of Ceylon and Malabar. It is not, however, of much value.

79 **COPAL**, a resin, which exudes from a large tree in the East Indies, (as well as in South America), and hardens in the air. The best Copal is a hard brittle resin, in rounded lumps of a moderate size, easily reducible to fine powder; of a light lemon colour, varying to orange; beautifully transparent, but often containing, like amber, parts of insects, &c. impacted in its substance. It is of very difficult solution, resisting, in a great measure, even the action of alcohol. Anime, when clear and good, is often confounded with Copal. There is, however, a remarkable distinction, besides their external appearance.—Anime is readily soluble in spirit of wine, which (as before observed) is not the case with Copal.* The former is likewise more friable, and gives out a sweet odour when rubbed. Copal, when dissolved, forms a beautiful transparent varnish for paintings, tea-boards, &c.

80 **ELEMI**, a pellucid resin, which flows from incisions made in a large tree, growing in Arabia. It is of a whitish colour, intermixed with yellowish particles; sometimes of a light yellow, inclining to green, and often of the colour and consistence of wax; of a pretty brisk bitter, though not disagreeable taste; smell somewhat like fennel. It comes in cylindrical pieces or cakes, covered with palm-leaves. It is scarce and dear. Used in medicine and some varnishes.

* As the mutual resemblance between Anime and Copal renders it often difficult to discriminate them, it may be useful to subjoin the following decisive test of distinction. Copal is nearly insoluble in alcohol; Anime is readily and totally soluble therein. Let a few grains be put in a wine glass with a little alcohol: if it be Anime, it will dissolve; if Copal, it will sustain no diminution.

81 LAC is neither a gum nor a resin, being produced by a very minute insect, found in a few species of trees in the East Indies. The insect attaches itself and its eggs to the tree by a red viscous liquid, the outside of which soon hardens in the air, and forms a cell. The young insects free themselves by eating through the resinous investing coat. This is the *Stick Lac*, which is found to contain distinct cells of different shapes, and is collected by merely breaking down the branches, without any preparation. The best is of a deep red colour. From this the other Lacs are prepared.—*Seed Lac* is the Stick Lac broken into small lumps, granulated and picked: used as a varnish.—*Lump Lac*, or *Cake Lac*, is Seed Lac liquified by fire.—*Shell Lac* is the cells of the Stick Lac liquified by gentle heat, strained and formed into thin transparent laminae: used in varnishes, and in the manufacture of sealing wax.—The *Lac Lake*, as well as the *Lac Colour*, and *Lac Dye*, is the colouring matter obtained from the Stick Lac, before the insects have eaten their way through the hollow investing bag, which then contains a red liquor. It comes generally, like Indigo, in square cakes, and is used as a substitute for Cochineal.*

There is likewise a white or yellowish Lac, produced in Madagascar, called in Madras *White Lac*. It is in grey, opaque, rough, roundish pieces, of the size of a pea; taste salt and bitterish, and no smell, unless when rubbed. It very much resembles bees' wax, and is secreted by an insect of a grey colour.

82 OROPONAX, a concrete, gummy, resinous juice, which flows by incision from the roots of a plant growing in the East Indies, and is dried in the sun. It is brought in small round drops, or irregular lumps, of a reddish yellow colour, or yellow speckled with white, on the outside, paler within; often variegated

* A large proportion of the East India Company's scarlet cloths has been dyed with Lac, instead of Cochineal.

with large white pieces; fatty and brittle; of a disagreeable acrid taste, and strong smell. The best is that which comes in tears. It mingles perfectly with water. Used in medicine.

83 **SAGAPENUM**, a fetid gum resin, resembling assafoetida, but weaker in sensible properties, brought from Persia, the East Indies, and Alexandria, in soft irregular masses, sticking to the fingers when handled; sometimes in loose granules, or single drops, which is the finest and purest sort. The colour is reddish on the outside, brownish within, spotted in many places with small yellowish or whitish specks; smell strong and disagreeable; taste acrid and unpleasant. It occasionally contains seeds and fragments of stalks. Used in medicine.

84 **SANDRAKE**, or *Sandarac*, a dry hard resin which exudes from the Juniper in several hot countries, and concretes in transparent granules of a pale yellow colour, the size of a pea or horse-bean; brittle and very inflammable; taste pleasant and aromatic, with little smell. Used chiefly in varnishes.

85 **SARCOCOLLA**, a concrete juice brought from Persia and Arabia, in small whitish yellow grains, with a few of a red or reddish colour mixed with them. The whitest tears are preferred. The taste is bitter, accompanied with a dullish kind of sweetness. Used sometimes in Pharmacy, as its name indicates.

86 **SENEGA**, so called from its being produced in large quantities in those parts watered by the river of that name, resembles, in most respects, Arabic, with which it is often confounded.
It is applied to the same purposes, except that in medicine Arabic alone is employed.

87 **TRAGACANTH**, a species of native mucilage, which is procured from a thorny shrub in the East Indies. When dried in the sun, it is collected, and sent without further preparation. It is a whitish opaque gum, in the form of twisted shreds, of a very tough and horny consistence, and seldom free from visible impurities. It is easily formed into a very

firm cement, and as such is very useful in the arts, particularly in book-binding.

88 HONATE, or *Onete*, a fine silky wool, of a yellowish white colour, with a very short fibre, brought a few years since in small quantity from the Mauritius; supposed to be a vegetable production.

89 HOOKAH, an apparatus for smoking, in general use in the East Indies. It consists of three parts:—1. A vessel, composed of metal or glass, called a *stand* or *bell* (from its shape), which is nearly filled with water.—2. A long flexible tube, which proceeds from the stand to the mouth, called a *reed*, or *snake*.—3. A perpendicular tube, containing the receptacle for the tobacco, and communicating with the stand, by which means the smoke is cooled in its passage. The *Fire-balls*, for preserving the fire in the tube, are of a black composition, of slow combustion, resembling charcoal.

90 INDIGO is obtained by collecting the leaves of a plant, and suffering them to ferment, which is soon effected in a hot climate. A *scyta*, or pulverulent pulp, is thus procured from the fibres and juices of the plant, which, by the process, and exposure to the atmosphere, changes from green to a deep blue; and from a soluble to an insoluble state. It is then spread on cloths, and divided into cakes. The shade or colour of Indigo varies considerably. It is commonly divided into three kinds: the *copper*, the *purple*, and the *blue*. The first is used by the dyers; the last by the calico printers. The deepest and liveliest blue Indigo, when rubbed with the nail, appears like polished copper. The Indigo used in England is chiefly East India, which is now imported in great quantity. Some of it is superior to that of America; but it is in general of an inferior value in the market.

91 INK OF CHINA is brought over in small oblong cakes, readily diffusible in water. It is made of very fine lamp black, prepared with a peculiar glue, or jelly.

92 IRIS, or *Orris*, a bulbous root, of a grateful odour, and pos-

sessing medicinal qualities. It is firm and compact; the taste slightly bitter; smell approaching to violet. When recent, it is acrid; and excites a pungent heat in the mouth when chewed. It is brought chiefly from Italy.

93 **Ivory.**—The Chinese manufactures in ivory, which so greatly surpass in delicacy and elegance the works of European artists, demand some notice. The most elegant are, *Camp Baskets*, consisting of several pieces placed upon each other, surmounted with a handle, richly carved:—*Work Baskets* of various shapes:—*Fans*, some in open work, others with figures and ornaments raised, or in relief.—*Hand Skreens* wrought in a similar manner:—*Card Racks*, &c. But the most singular article is the *wrought Ball*, which contains from nine to fifteen internal globes, one within another, wrought from a solid piece of Ivory, through apertures not more than half an inch in diameter.

94 **KEEMORE, or Keemo**, a very large shell, found in a bay of the Island of Sumatra, and in some other parts of the East Indies. It is frequently from three to four feet in diameter, and as white as ivory.

95 **KINO, or Cheenea**, a resinous astringent substance, of a very dark red colour, almost black. It issues in a fluid state from the bark of a tree in Africa, and is hardened into a mass by the sun. A sort of Kino is produced in New Holland, and imported under the name of *Botany-Bay Gum*. It is the most efficacious vegetable astringent in use. Kino was formerly considered as a species of *Sanguis Draconis*.

96 **LAPIS CALAMINARIS**, an oxide of Zinc, heavy, and varying considerably in appearance. It mostly occurs in the form of grey, transparent crystals. It is used in the composition of brass, and likewise in medicine.

97 **LAPIS CONTRAYERVÆ**, a medicinal compound, principally from the root of the Contrayerva. See 125.

98 **LAPIS LAZULI**, a siliceous fossil, found in China, and other parts of Asia. Great quantities of it are procured from the

Island of Hainan, in the Chinese Seas. The colour of this stone is a fine azure blue, having little lustre, but susceptible of a fine polish. The Chinese are supposed to use it in painting their porcelain. The beautiful and permanent colour called *Ultramarine*, is prepared from Lazuli.

- 99 LAPIZ TUTIE, or *Tutty*, an argillaceous ore of zinc, found in Persia; formed on cylindrical moulds, into tubulous pieces, like the bark of a tree, and baked to a moderate hardness. The colour is generally brownish; sometimes whitish, and sometimes of a bluish cast; full of small protuberances on the outside, smooth and yellowish within. Used in medicine.
- 100 LEAD, White, or *Cerusse*, is a preparation from common sheet lead.
- 101 LINSEED OIL is obtained by expression from the seeds of the common flax. It is used a little in medicine, but principally for the coarser kinds of painting.
- 102 MACE, a membrane enveloping the shell of the fruit, whose kernel is the nutmeg. It comes in ramified flakes of an inch or more in length. When the nutmeg fruit is collected, between the external pulpy coat and the Nutmeg, the Mace is found, wrapping itself round the shell, and is then of a blood-red colour. It is gently dried in the sun, afterwards slightly sprinkled with sea-water, and pressed down firm and close, which preserves its fragrance and consistency. Mace should be new, not dry, of a fragrant scent, tough, oleaginous, and of a good yellow. The *Oil of Mace* is a kind of sebaceous matter, said to be expressed from the nutmeg. That which is brought from the East Indies is somewhat soft, of a yellow colour, and strong agreeable smell, much resembling that of the nutmeg. It is made at Banda; hence its vulgar name of *Banda Soap*.
- 103 MADDER Roots are used as an ingredient for dying scarlet. They are cultivated in this country, and therefore sufficiently known. The East India Madder Roots are imported under the name of *Munjeet*.

104 **MADREPORE**, a species of coral, in a variety of forms, found on the sea-shore in many parts of India. It is brought merely as an article of curiosity.

105 **MANGOES**.—Of this fruit there are different sorts; with and without a stone. They make an excellent pickle, for which purpose they are gathered unripe.

106 **MANNA**.—The Manna used in medicine is a gummy substance produced chiefly in Italy, where it oozes from the trunk, branches, and leaves of a kind of ash-tree. The Persian Manna is the only sort procured from the East, and appears of a dirty reddish brown colour: small prickles, leaves, &c. are seen intermixed, as well as some particles of sand and earth. It is greatly inferior to the Italian.

107 **MASTICH**, a resinous substance, procured from Turkey and Egypt, where it is obtained, by incision, from a tree. It is commonly brought in small yellowish, transparent, brittle grains, or tears. Some is of a dark colour; another kind is white. It has little taste, but a fragrant smell, when heated. The Turks chew it (whence its name) to sweeten the breath, and strengthen the gums. Here it is used in medicine and varnish making.

108 **MELASSES**, or *Molasses*, the gross residue of sugar, after refining.

109 **MUSK**, a peculiar substance of a very strong scent, generally growing like a tumor on some animals, particularly a species of goat. It is obtained in Bantam, Cochin-China, Tonquin, and Thibet. The two latter places furnish the best. When first procured, it appears like coagulated blood; it is dried in the sun, and reduced into a light friable substance, almost a powder, of a dusky reddish colour; and acquires a strong disagreeable smell. It is then tied up in bladders, and exported. The Musk itself is dry, rather unctuous, of a rusty blackish colour, in small round grains, with a few hard black clots. Besides being a strong perfume, Musk is administered in medicine. It is greatly liable to adul-

teration. When moist, it has generally been kept in linen steeped in rank urine. Musk is generally brought from China.

110 MYRABOLANES, a kind of medicinal fruit, little used as such in England, growing chiefly in Bengal and Malabar. They are generally about the size of a date, pointed at the end, extremely hard, and of a yellowish brown colour. When young, and the shell is soft, they are sometimes candied.

111 MYRRH, a kind of gum resin issuing by incision, and sometimes spontaneously, from the trunk and larger branches of a tree. That which is imported from India, is produced in Abyssinia. Myrrh varies much in the size of the pieces, in taste, and colour. The best sort is semi-transparent, friable, unctuous to the touch, of an uniform light or reddish yellow colour; a strong, but not ungrateful smell, and very bitter taste. It is often adulterated, and then opaque, and either white or of a dark colour, approaching to black, with a disagreeable odour. It is a very useful medicine.

112 NUTMEGS, which are almost exclusively produced in the Molucca Islands, are of two kinds, *male* and *female*. The former is a wild nut, without taste or smell. The female, which is the common Nutmeg, grows in a thick pulp, which separates into two valves, and discovers a slender shell, (closely invested by the mace), which contains the seed or Nutmeg. The tree yields three crops annually; in April, August, and December. When the fruit is gathered, the outer covering is stripped off, and the contents dried in the sun. After being smoked for a considerable time in the shell, the Nutmegs are taken out, and thrown into a strong mixture of lime and water, to preserve them. They are then cleaned, and packed in chests for exportation. The largest and heaviest Nutmegs are to be chosen, olive-shaped, well marbled on the outside, reddish within, unctuous in substance, and of a fragrant smell.—An essential Oil is obtained at Banda by distillation of the nuts; and, by ex-

pression, a thick sebaceous oil. What is often denominated Oil of Mace, is in reality expressed Oil of Nutmegs.

113 **NUX VOMICA**, the fruit, or rather the seed of the fruit, or berry, of a large tree growing on the Malabar Coast, and in the Islands of Timor and Ceylon. It is shaped like a button, round and flat, with a small prominence in the middle on both sides of a grey colour, covered with a kind of down; internally hard and tough. It possesses a strong narcotic, deleterious quality, and is a certain poison to all animals except the human species. The largest, whitest, newest, and cleanest are the best.—An *extract* has sometimes been brought, which, as well as the nut, is used in medicine.

114 **OKER**, or *Ochre*, a genus of earths, slightly coherent, and composed of fine, smooth, soft, argillaceous particles, rough to the touch, and readily diffusible in water. Ochres are of various colours, as red, blue, yellow, brown, green, &c.

115 **OLEBANUM**, a gummy resin brought from the East Indies and Turkey, usually in drops or tears, like those of Mastich, but larger; of a pale yellowish, and sometimes of a reddish colour; taste moderately warm and pungent; smell strong, not very agreeable. It is considered to be *Thus*, or Frankincense, in the tear. The purest Olibanum is semi-pellucid, and of a light yellow colour.

116 **OPIUM**, the inspissated juice of the White Poppy, which grows plentifully in the soil about the Ganges. It is partly of the resinous, and partly of the gummy kind, heavy, of a dense texture, and not perfectly dry; colour brown, so dark and dusky as to appear at first black; a dead and faint smell; taste bitter and acrid. That which is made at Patna, is esteemed throughout India. It is brought from the East Indies in round masses, closely covered with successive layers of Poppy or Tobacco leaves, to the thickness of nearly one-fourth of an inch. It is less narcotic, more nauseous, and cheaper than the Turkey Opium; and is supposed to be sometimes adulterated with cow-dung. The narcotic

properties of Opium render it a powerful and useful medicine.

117 ORANGE-FLOWER WATER, a cordial water distilled from the flowers of the Orange tree.

118 ORPIMENT, *Auripigmentum, Sulphur of Arsenic*, a mineral composed of sulphur and arsenic, sometimes artificially produced, but generally found native in the earth, as one of the ores of arsenic. It is of two kinds; red or Realgar; and yellow, which is brought from India under the native name of *Hartall*. This occurs in lumps, or fragments, ponderous, of a bright lemon colour, passing into gold yellow, and Aurora red. Its internal lustre is very brilliant; between waxy and semi-metallic. Used as a pigment.

119 OTTA, *Attar, or Oil of Roses*, is obtained in the following manner. A glazed earthen jar, or clean cask, is filled with rose-blossom-leaves, and spring water poured in just sufficient to cover them. The vessel, with its contents, is then placed in the sun for two or three days: at the end of the third or fourth day, small particles of yellow oil will be seen floating on the surface of the water, which, in the course of a week, will have increased to a thin scum; this is taken up by a little cotton tied to the end of a stick, and squeezed into a small phial. Attar of Roses is often adulterated, and the essential oil obtained from the raspings of Sandal wood sometimes substituted in its stead.

120 PADDY BIRD FEATHERS are extremely light, soft, and delicate; resembling the down of the Eider duck. Their colour is white, sometimes slightly variegated with black. Muffs, tippets, and other similar articles, made of these feathers, are often brought from India, as presents.

121 PEARLS are obtained from a shell-fish, commonly called the pearl oyster. The principal fisheries are on the Coast of Madura, "the Strait between Ceylon and the Continent, the Island of Baharen," in the Persian Gulf, and at Hainan, on the Coast of China. The pearl divers pile the shells upon the

shore in little pits, and cover them with sand, till the shell opens, and the fish is destroyed. The Pearls are then procured, cleansed, and passed through a kind of sieve, according to their sizes. the smallest are denominated *seed* or *ounce* Pearls, and are of very inferior value. The quality or value of Pearls depends chiefly upon their size and colour. Their true shape is a perfect round. The colour should be a pure white; not dull and lifeless, but clear and brilliant; free from foulness, spot, or stain surfaces naturally smooth and glossy.—The shell, which is the *Mother of Pearl*, is compressed and flat, nearly orbicular; the inside exquisitely polished, and of the whiteness and water of the Pearl itself. It has the same lustre on the outside, when the external coats have been removed by aquafortis. It is used (especially by the Chinese and Japanese) in a variety of inlaid works, toys, &c.

122 PEPPER, the fruit of a shrub, somewhat similar to the vine, which is cultivated in the Dutch Islands of Java and Sumatra, in Ceylon, and particularly on the Malabar Coast. There are two kinds; the *black* and *white*. The latter is prepared by detaching its outer bark or rind. There is, however, said to be a sort of native white Pepper, superior to the factitious. The natives make a pickle of the common pepper; and procure from it likewise a fermented spirit.—*Long Pepper* is a dried fruit of about an inch in length, and of the thickness of a large goose quill; cylindrical figure and brownish grey colour; said to be produced by a plant similar to the common Pepper.—*Cayen* (commonly spelt *Cayenne*) Pepper is made by grinding the ripe pods and seeds of the red *Capsicum*, which produces a prodigiously hot and acrimonious pepper, of a red colour.

123 PUANZ, a beautiful yellow pigment, in the composition of which the spine of the Elephant is said to be a chief ingredient. It is brought in round lumps of various sizes, in colour like orpiment, with a strong unwholesome smell, and little or no taste.

124 **QUICKSILVER**, or *Mercury*. There is but little Mercury brought from the East Indies, and that is chiefly procured either from China, or from mines in Japan. What is sold here as Japan Mercury is, however, supposed to be manufactured in Europe. Its character and uses are well known.

125 **RADIX CONTRAYERVA**, a medicinal root of a South American plant, the juice of which is poisonous. It is called *Coutrayerva*, (*i. e.* counter-poison), because the root is said to be an antidote to the poison of its juice. The root is knotty, externally of a reddish brown colour, and pale within; taste sub-astringent, warm, and bitter.

126 **RAVENSARA**. The article imported from India under this denomination is a nut of a dark brown colour, the size of a nutmeg, in smell and taste resembling both Cloves and Pimento: internally it is divided into cells, and contains a kernel extremely hot and biting to the taste, with a strong spicy smell.—Ravensara is, however, the name given to the bark of the Clove-Cinnamon tree, growing in the Brazils and Madagascar, of which the foregoing is probably the fruit. *

127 **REDWOOD**, properly so called, is brought from Africa and the Brazils. *Red Saunders* appears to be the only sort of Redwood imported from the East Indies. See 142.

128 **RHEBARS**, or *Rheum*, is the large roots of a plant, dried. East India Rhubarb is produced in China, and is easily distinguished from Turkish, to which it is inferior in value. The latter is cut into roundish pieces, freed from the bark, with a hole through the middle of each piece. The East India is in longish pieces, harder, heavier, and more compact. Good Rhubarb should be firm and solid, but not flinty, easily reducible to a fine bright yellow powder, and should impart to the spittle a saffron tinge, without proving slimy in the mouth. Its taste is sub-acrid, bitterish, somewhat astringent; small slightly aromatic. Its valuable medicinal qualities are well known.

129 RICE, called in India *Bras* or *Bray*, is a grain sufficiently known. The large grained Rice is generally less esteemed in the East Indies than the smaller and whiter sort. In the husk it is called *Paddee*, a coarse kind of which is often brought as food for animals on board East India ships.

130 ROSEWOOD. The *Lignum Rhodium*, or *Aspalathus*, (whence the Oleum Rhodii is obtained), is heavy, oleaginous, somewhat sharp and bitter to the taste, of a strong smell, and purple colour. The Chinese Rosewood, called by the natives *Tze-tau*, is odorous, of a reddish black colour, streaked, and full of fine veins, which appear to be painted. The manufactures of this wood are more valued in China than the varnished or japanned. There are baser kinds of Rosewood of inferior value.

131 ROUGE, a pigment of a beautiful rose colour, procured from the red colouring matter of Safflower. It is brought from China spread on small papers, or in pots.

132 RUBIES. The true Ruby is of a red colour, mixed with blue or yellow. It occurs in grains, small rounded fragments, and crystals. The oriental Ruby is found in Pegu, the Island of Ceylon, and a few other parts of the East Indies. All coloured gems, of whatever hue, (according to Tavernier), are denominated *Rubies* in India.

133 RUNGAMATTA, an earth of a deep red colour: procured probably from a district of the same name on the Burrampooter.

134 SAFFLOWER, called also *Bastard Saffron*, the florets of the *Carthamus*, an annual plant, which grows about three feet in height in most of the warm parts of Asia, as well as in Europe. Safflower is brought in dry small compressed cakes, and contains two colouring matters; a yellow and a red. The former is of little value; but the latter affords a beautiful rose-red dye or pigment. The quality of Safflower depends upon its colour, which should be of a bright saffron hue. It has been brought from India in a coarse powder; but in this form it is liable to adulteration.—East India Safflower is sometimes called *Cuscom*.

135 SAFFRON is obtained in this country from the flower of the Crocus, which is picked, dried, and prepared in cakes. The foreign, which is less esteemed than our own, is chiefly brought from Spain, and some from Egypt. It is not probably produced in India. Saffron is used in medicine and in dying.

136 SAGO is produced by a species of palm tree, growing spontaneously in the East Indies. The tree yields a whitish meal, which is prepared by the Malays into small roundish grains. It is a wholesome nourishing food, and will preserve for many years.—The *Powder* is probably the mealy substance without further preparation. It makes a fine white jelly.

137 SAL AMMONIAC, *Muriate of Ammonia*, is procured from a variety of substances, but is supposed to be obtained in India, as in Egypt, by sublimation from the dung of certain animals, especially cows. It is commonly brought in cakes, or large crystals, sometimes in the form of a basin. It has no smell; taste bitter, pungent, and urinous. It is used variously in the arts; by the dyer, the gold-refiner, the tinner, and the coppersmith.

138 SAL GEM is *Rock or Fossil Salt*,* of which there are large hills or rocks in several parts of the world. In the province of Lahor, in Hindostan, is a rock of salt upwards of 400 feet high. It comes in crystallized masses of a greyish, varying to a violet blue, or flesh red colour; semi-transparent, brittle, and of a shining internal lustre. It is manufactured into common salt.

139 SALEP, a preparation from the dried root of a species of Orchis. It is a wholesome and nutritive food: seldom imported from India.

140 SALTPETRE, *Nitre, Nitrate of Potass*, is produced naturally

* By Rock Salt, as a general term, is understood all salts dug out of the earth, which have not undergone any artificial preparation.

and artificially. Many of the lands in India (especially in the vallies of the great rivers), abound in native Saltpetre. In the Presidency of Calcutta a large quantity is annually manufactured and exported. It is also produced in China. Its chief consumption is in the manufacture of gunpowder. The native Saltpetre is collected generally as a thin granular crust, or efflorescence, which is speedily reproduced. It is refined, and brought in rather impure crystals.

141 **SANGUIS DRACONIS**, a red resin, which exudes from certain large palm trees in the East Indies. It is of a deep, uniform, dull red colour. The best comes sometimes in oval drops, and is rather dear; but it is commonly brought in roundish masses, or cakes, wrapped in palm leaves, generally impure, and without taste or smell. It is often adulterated, and what is sold here is sometimes factitious. When pulverized, it becomes of a fine crimson colour; and, solved in alcohol, forms a blood red tincture. It is used a little in medicine, but chiefly in staining, lacquering, and varnishing. It is very permanent, and not acted on by moisture.

142 **SAUNDERS**, *Santalum*, called also *Sandal Wood*,* (from the French abbreviated name *Santal*), is the wood of the *Santalinus*. There are three sorts; the *white*, *yellow*, and *red*. The two former are produced from the same tree, and are generally brought in large billets from various parts of the East Indies, particularly the Island of Timor, in the Indian Ocean, where this wood grows in abundance. The *first* is of a pale whitish colour, no smell or taste. The *second* is the interior wood of the tree, of a grateful and aromatic smell, and bitterish taste. It is used in the manufacture of various toys, &c. and in India and China is burnt in houses,

* As the identity of Sandal Wood with Yellow Saunders is sometimes questioned, it may be proper to refer the reader, for more full and satisfactory information, to the following authorities, &c. 'Encyclopædia, Art. *Sandal*'; Aikin's Dictionary of Chemistry; and 'Encyclop. Britan. Art. *Sauders*'.

on account of its fragrant scent. There being a great consumption of this wood in the East Indies, little of it is sent to Europe. Both these woods were formerly used in medicine.—The *Red Saunders*, which is less esteemed, is procured from a different tree, said to be common on the Coast of Coromandel. It comes in round billets, of a blackish red colour on the outside, a deep, brighter red within; with a wavy grain; without smell or taste, unless recent. *Red Saunders* is often confounded with *Brazil* or common redwood, which it resembles in appearance. They may be distinguished by the former being of a red colour, mixed with a little yellow, sweetish taste, and giving out its colour to water: *Red Saunders* yields only to alcohol, is of a dull blood colour, and rather bitter to the taste. Some travellers confound it likewise with *Catitour* Wood, which is used in dying, and grows also on the Coromandel Coast.—A fragrant *Oil* is procured from the raspings of the *Yellow Saunders*. The red has been imported in coarse powder; probably for the purpose of extracting its colouring matter with greater facility.

143 SCAMMONY, a concreted vegetable juice, partly resinous, and partly gummy. The best is brought from Aleppo, in light spongy masses, easily friable, of a shining ash colour, verging to black; when, powdered of a grey or whitish colour. An inferior sort, full of sand and impurities, is brought from Smyrna. It has a faint unpleasant smell; taste bitterish, somewhat acrimonious. It is employed in medicine.—*Dia-grydium* is Scammony prepared for medicinal use.

144 SEA Cow, Horse, or Morse Teeth. These are different names of the same animal; *Morse* is the northern name for Horse. These teeth or tusks are a sort of ivory, but less esteemed than Elephants' Teeth.

145 SEA SHELLS are procured in the greatest variety and beauty from about the shores of India, China, and the Islands.

The fine natural polish they exhibit, is often erroneously supposed to be the effect of art.

146 **SEALING WAX** is made chiefly from Shell Lac, or Seed Lac, and coloured with a suitable pigment. The Sealing Wax imported from India, in round sticks, is very coarse, and ill made; burning with a disagreeable smell, and hardening with difficulty.

147 **SENA, or Senna**, the leaves of the *Cassia Senna*, which are small, dry, of a yellowish green colour, taste a little acrid and bitter, smell not disagreeable. Senna is brought from various parts. The Alexan ian is reckoned the best. Some is produced at Mocha, and some in Persia. It should be new, of a strong smell, the leaves tender and perfect. It is a gentle purgative medicine.

148 **SHAWLS**, brought from India, are manufactures of fine wool, the produce of a sheep, or goat, native of Cashmere, or the adjoining country of Thibet. This wool is at first of a dark grey colour, but is bleached by means of a preparation of rice flour. The most beautiful Shawls are said to come from Cashmere. They are of two kinds; *Long*, or Scarfs, and *Square*, or Shawl Handkerchiefs. Other articles of apparel, as waistcoats, cravats, stockings, &c. are made of the same materials. The borders of the Shawl are attached after fabrication, but in so nice a manner, that the joining is not perceptible. The first cost of a Shawl in India is 8 rupees,* from thence, in proportion to the quality, to 15 and 20. Some of the best cost 40 rupees.

149 **SILK** is the produce of the *Bombyx*, or Silk Worm, a native of China, to which country the article of silk was originally peculiar. The China silk, which is still a considerable article of merchandise, and highly esteemed, is of a delicate pearl white. That of Bengal is inferior, and generally of a deep

*. The Rupee is worth about 2s. 6d.

yellow colour. Silk is likewise produced in great quantity in Japan, but the Government is averse to traffic. The *Floss silk* of China seems to be the waste silk that surrounds the cocoons, (*i. e.* the balls of silk spun by the insect), and serves to fasten them to the twigs on which they hang. It is inferior in quality, and is generally employed as caps to secure the raw silk when packed. The *husks* and *knubs* are the refuse rejected by the windster. Silk is brought from India only in the raw state. Some of the Bengal is organized by the East India Company after importation. This process is the twisting two threads together into one.

- 150 **SNUFF**, an article well known to be manufactured from Tobacco. The most valuable Snuff imported from India is the Masulipatam, which is of a dark colour, nearly black, moist, and coarse grained. Opium is said to be an ingredient in its composition.
- 151 **Soy** is prepared from a kind of bean, growing in Japan and the East Indies. The natives boil the seeds, and adding corn, either wheat or barley, and common salt, they ferment the mass. The liquor is then expressed and filtrated.
- 152 **SPELTER, or Zinc**, a metal of a bluish white colour, produced plentifully in China. It possesses singular properties; is used in medicine, and greatly in the arts, especially in the manufacture of brass. Zinc is not found native, but is extracted from Calamine and other ores by distillation.
- 153 **SPIKENARD**, a sort of grass, from which anciently a highly esteemed ointment was made. In its dried state, as imported, it is of a yellow colour, with little or no smell, and a slight aromatic taste. Accident led to its discovery in the Peninsula of India about 20 years ago. It is used in medicine, but not much known.

154 SPIRITS of the Cape of Good Hope. There is a kind of Brandy made at that settlement in very considerable quantity.

155 SQUILLS, *Scilla*, the *Sea Onion*, grows spontaneously on the sea-shore in many warm climates. The root is used in medicine, and is either *red* or *white*. The latter is preferred. These roots are larger, somewhat oval shaped, composed of several coats, like onions; taste very nauseous, intensely bitter, and so acrimonious, that they ulcerate the skin, if much handled.

156 SQUINANTHUM, a species of rush, called *Sweet Rush*, or *Camels' Hay*, sometimes brought from Turkey and Arabia, tied up in bundles about a foot long. The stalk, in shape and colour, resembles a barley straw. It is full of fungous pith, like our common rush; leaves like those of wheat. When in perfection, it has a hot, bitterish, not unpleasant taste, and a very fragrant smell. It was formerly (but is not at present) used in medicine.

157 STORAX, or *Styrax*, a resinous juice, obtained from the Storax tree, which grows in the East Indies, Arabia, Syria, &c. It is commonly divided into *solid*, and *liquid*. The latter is procured by boiling the bark and branches of the tree in water; it should be glutinous, of a reddish or ash colour, transparent, very fragrant, and of the consistence of honey. The solid is of two sorts; *Calamita*, (so called from being formerly brought from Pamphylia in reeds), which generally comes in masses composed of whitish and pale reddish brown tears, unctuous, and soft like wax; and *common Storax*, which is less pure, brilliant, and fragrant, than the other. When the *Calamita* is in the tear, or drop, (which is rarely brought) it is very pure and valuable. What sometimes passes for Storax is factitious.

158 SUCCADES, the general denomination given to green fruits, and Citron, candied, and preserved in syrup.

159 SUGAR. The Sugar Cane is cultivated in China, Bengal, on the Coast of Malabar, in Batavia, &c. particularly at the last-mentioned place. East India Sugar is reckoned generally of a better quality than the West India, and is obtained at less expense. Its nature, properties, and the method of procuring it, are sufficiently known.

160 SUGAR CANDY is prepared from sugar. The syrup is clarified, and boiled down to a certain point; then suffered slowly to crystallize. The *White* is manufactured from refined sugar, and never deliquesces, or becomes moist (as the brown is liable to do) in a damp air. Brought chiefly from China.

161 TALC, a magnesian fossil, composed of very fine smooth glistening laminae, or plates. It occurs in various parts of the world, and differs in colour and appearance. The Talc imported from India (called *Ubruc*) comes in flat, roundish plates, semi-transparent, and of a yellowish colour. It is probably procured from China, where it is much used in making lamps, lanthorns, &c.

162 TAMARINDS, the fruit of the Tamarind tree, freed from the outer shell, and the pulp and seeds preserved in syrup. The tree is native of both Indies. The East India Tamarinds are preferred to those of the West; and may be distinguished by the greater length of the pods, and by the pulp being drier, and of a darker colour.

163 TEA, the dried leaves of a plant growing in China, Tonquin, and the Isles of Japan. The Chinese assert that there is but one species of the Tea Tree, and that the difference in the quality and appearance of Tea arises from the soil, and methods of curing; a chief operation in which is that of *tatching*, or roasting the leaves in a *tatch*, or iron pan. To detail minutely the various characters of Tea would occupy too large a space; the following brief account must therefore suffice.—The GREENS are, 1. *Singlo*, or *Songlo*, (a local name), leaves large, fine, fat, and clean.—

2. *Twankay*, or *Tunkey*, a fine sort of Hyson, oftener tatched and picked than the Singlo.—3. *Hyson*, (*He-tchune*, name of the first chop or date when made), leaves closely curled, and small; green colour, verging to a blue.*—4. *Hyson-skin* (so called from its resemblance to the peel of the Hyson), is the large loose leaves of the Hyson; light green colour; faint delicate smell: known here by the name of *Bloom-tea*.—The superior *Hyson-skin* is also selected from the Hyson.—The BLACKS are, 1. *Bohea*, (*Voo-ye*, a local name), of various qualities; in the common, the colour of the leaves is uniform; the infusion deep.—2. *Congou*, (*Cong-foo*, i. e. great care in the preparation), leaf rather large, somewhat greenish. The best Bohea is often sold for Congou.—3. *Campoi*, (a local name), fragrant, with a violet smell; infusion pale.—4. *Souchong* (*Se-ow-chong*, i. e. very little sort), is only the best Congou produced from young trees, growing in a good soil. The real Souchong is produced in very trifling quantity, and is extravagantly dear in China. The infusion of Souchong is a yellowish green.—5. *Pekoe* (*Pe-how*, i. e. white first leaf, or hair,) is the tender leaves, gathered just after the trees have been in bloom, and exhibits soft, white, downy flowers.—There are other sorts, not known in commerce, as *Lintstein*, (a local name), young leaves and stalks.—*Ho-ping*, (a local name), cured like Bohea; bad smell, and of little value.—*Le-oo-cking*, (a local name), often made to imitate Singlo.—*Ho-nan*, produced near Canton; prepared merely for home consumption.—*Bing-min*, (name of the first maker), leaves long and thin.—The *Aukoy* teas, produced at a place called *An-khe*, are

* The *Hyson Chelun* is the finest sort of green tea; but this is only sold in small lacquered boxes, containing from 9 to 15 lbs. each, generally about 5d. per lb.

cured like the other black teas, but are generally of less value.—What is called *Gunpowder* is a variety of *Hyson*, made into little balls. One sort of tea is often substituted for another in China, as *Bohea* for *Hyson*, and vice versa, by altering the mode of curing. Tea is also sometimes adulterated by the mixture of leaves of other trees with it. This may be detected by opening the leaves with boiling water, and observing whether they are indented like the tea-leaf.

164 TEAK or *Tick-mood*, a hard wood of a darkish colour, and susceptible of a good polish. It is plentifully procured in many parts of India, which circumstance, and its great durability, render it highly serviceable in ship-building.

165 TERRA JAPONICA. This article, called by the natives of India *Cutt*, has obtained various names, as *Catechu*, *Cashoo*, *Caunch*, &c. It is a strong extract prepared by decoction from the wood of a tree,* growing in several parts of India, particularly in the province of Bahar. The extract is evaporated to dryness; then, being spread on a cloth, is shaped into quadrangular pieces, by means of a string, and dried in the sun. It is a dry, pulverable substance, of a red brown colour, brighter internally, uniform in texture, brittle, and friable; without smell; taste astringent, succeeded by a permanent mucilaginous sweetness. It often appears mixed with earthy impurities. There are two varieties, the *Bengal*, and *Bombay*, which differ but little from each other. Terra Japonica is employed in medicine, and by the natives of India in dying. It contains an unusually large quantity of tannin. A compound of Terra Japonica, with *Aloe*, *Cardamoms*, and other

* Mr. Barrow states, however, that the *Catechu*, or Red Earth, of the old *Pharmacopœia*, is the fecula of the *Areca Nut*, boiled with unsalted lime; but the Terra Japonica now in use, is the ashes of a particular species of *Mimosa*, found in Japan, and most of the Eastern Islands. *Travels in China*, p. 227.

aromatics, made into small round cakes, or lozenges, is chewed by the natives, and has been brought to Europe by the Dutch, under the name of *Siri gata gamba*. A similar article has been called by us *Gambia*.

166 **TIN.**—Tinstone, an ore of Tin, is found in the peninsula of Malacca, and in the Island of Banca.

167 **TOBACCO** derives its name from the Island of Tabasco, in South America, whence it was first imported. *Cheroots* (the form in which Tobacco is wrought from India) are the leaves rolled up, about four inches long. They are brought in small quantities, chiefly for private use.

168 **TURBITH**, the root of a plant growing in various parts of India, particularly in the Island of Ceylon, and on the Malabar Coast. It is cut into oblong pieces, the size of the finger, dry, resinous, brown without, whitish within; taste sub-acrid, and nauseous. It should be recent, compact, not wrinkled, and not too much covered with gum or resin, which is often done by design. Its use is in medicine.

169 **TURMERIC**, the roots of the *Curcuma*, which grows naturally in India and China. The roots resemble Ginger, but are round, jointed, and of a deep yellow colour. They are used in medicine, and yield also a beautiful, but not durable, yellow dye. Turmeric should be chosen large, new, heavy, resinous, and difficult to break.

170 **TURPENTINE OIL** is distilled from Turpentine. It possesses all the properties of other essential oils, and with Gum Copal forms a very fine varnish.

171 **TUTENAGUE**, or *Tutenag*, is a white alloy of copper, zinc, and iron, artificially combined. The Chinese *Pépong*, or white copper, contains nickel, and a portion of silver. The composition of this is not exactly known.

172 **VERMICELLI**, or *Vermicelly*, an Italian composition of various edible articles, reduced to a paste, and formed into slender wormlike pieces, from whence its name. *Locksoy* is

a kind of Vermicelli, prepared from rice at Cochin China, and thence exported in considerable quantity to Japan and China, where it is much esteemed. It is transparent, and gives a consistence to soup. The Chinese Locksoy is opaque, and less esteemed.

173 WORM SEED (so called from being esteemed a cure for worms in children) are the seeds of the *Santonicum*, which grows naturally.

174 ZEDOARIA, or *Zedoary*, is the root of a plant cultivated at Siam, where it is much valued. The plant has thick, fleshy, swelling, roundish, clustering roots, of a slight aromatic smell, and biting taste. They are used in medicine. Zedoary is also produced in Ceylon and Malabar.—A kind of Zedoary was imported a short time since under the name of *Sera Root*.

SCHEDULE OF RATES

CHARGED BY THE

EAST INDIA COMPANY

*For the Management of Goods imported by Private
Merchants.*

	RATES* p cent			WAREHOUSE-RENT per Week, from the date of the ship's entry at the Custom House, till the delivery of the goods. †
	£	s.	d.	
ALKALI—See Kelp.				
Aloes	1	0	0	0 2 per chest.
Aniseed	1	0	0	0 1½ ditto.
Anotto	2	10	0	0 1 ditto.
Arrow Root	4	0	0	0 2 ditto.
Assafetida	3	0	0	0 1½ ditto.
Barilla—See Kelp.				
Bees' Wax	3	0	0	0 1½ ditto.
Benjamin	2	10	0	0 1 ditto.
Borax	4	0	0	0 2 ditto.
Calicoes, White	2	0	0	0 2 per bale.
printed or dyed—See Prohibited Goods.				

* For wharfage, landing, cartage, housing, coopering, taring, mending packages if broken by ordinary ship's breakage, enlarging Indigo or other chits when necessary, weighting, shewing to the buyers, printing catalogues, selling at the sales at the East India House, or shewing and attendance in case the importer shall sell the goods by private sale, and delivering.

† N. B. On goods sold at the Company's sales, the importer is to pay the weekly rent until the *Promt-day* (*i.e.* the day fixed for the full payment of the goods), from which day the buyer is to pay it. In case the goods shall not pass the sales, the whole of the Warehouse rent until the period of delivery, will of course remain a charge upon the goods, and be paid by the importer, or the person to whom he may transfer his property in the goods.

	Rates per cent.			Warehouse-Rent per Week.		
	£	s.	d.	s.	d.	
Cambogium.....	2	0	0	0	1½	per chest.
Camphire.....	2	0	0	0	1½	ditto.
Cardenoms.....	2	0	0	0	1½	ditto.
Cassia Buds.....	2	10	0	0	1	ditto.
— Lignea.....	2	10	0	0	1	ditto.
Castor Oil.....	2	10	0	0	1	ditto.
Cayenne Pepper.....	1	0	0	0	0½	per bag.
China Root.....	4	0	0	0	0½	ditto.
Cinnabar.....	2	0	0	0	1	per chest.
Cinnamon.....	1	0	0	0	1½	per bale.
Cloves.....	1	0	0	0	1½	per chest.
Cochineal.....	2	0	0	0	1½	ditto.
Coffee, Mocha.....	2	0	0	0	2	per bale.
— Java.....	2	0	0	0	1½	ditto.
— Bourbon.....	2	0	0	0	0½	per bag.
Colombo Root.....	4	0	0	0	2	per chest.
Cornelians.....	2	0	0	0	1	ditto.
Cotton Wool, Bengal.....	2	0	0	0	1	per bale.
— Surat.....	1	10	0	0	1½	ditto.
— Bourbon.....	1	0	0	0	1	ditto.
Cowries.....	4	0	0	0	0½	per bag.
Dragon's Blood.....	3	0	0	0	1½	per chest.
Elephants' Teeth.....	2	0	0	0	1	per cwt.
Galanga Root.....	4	0	0	0	0½	per bag.
Galbanum.....	4	0	0	0	2	per chest.
Galls.....	3	0	0	0	1½	ditto.
Ginger.....	4	0	0	0	0½	per bag.
Gum Ammoniac.....	4	0	0	0	2	per chest.
— Animi.....	4	0	0	0	2	ditto.
— Arabic.....	4	0	0	0	2	ditto.
— Copal.....	4	0	0	0	2	ditto.
— Senegn.....	4	0	0	0	2	ditto.
— Tragacanth.....	4	0	0	0	2	ditto.
Henip and Sunn.....	2	0	0	0	1	per bale.
Indigo.....	2	0	0	0	1½	per chest.
Kelp, Barilla, or Alkali.....	7	0	0	0	0½	per cwt.
Lac Lake.....	2	0	0	0	1½	per chest.
Long Pepper.....	4	0	0	0	0½	per bag.
Mace.....	1	0	0	0	1½	per chest.
Mastich.....	4	0	0	0	2	ditto.
Mother o'pearl Shells.....	4	0	0	0	0½	per cwt.
Munjeet.....	4	0	0	0	0½	per bag.

	Rates per Cent			Warehouse-Rent per Week.	
	£	s.	d.	s.	d.
Musk	2	0	0	0	1 per chest.
Muslins, white.....	1	10	0	0	1½ per bale.
— printed or dyed—See Prohibited Goods.					
Myrrholanes	4	0	0	0	0½ per bag.
Myrrh.....	3	0	0	0	1½ per chest.
Nankeen Cloth	2	0	0	0	1 p. bale or ch.
Nutmegs	1	0	0	0	1½ per chest.
Nux Vomica	4	0	0	0	0½ per bag.
Oils, Chemical	2	0	0	0	1 per chest
Olibanum	4	0	0	0	2 ditto.
Pepper, Black	2	0	0	0	1 per bag of 316 lbs.
— White	2	0	0	0	0½ per bag of 224 lbs.
Prohibited Piece-goods	1	10	0	0	1½ per bale.
Puree	2	0	0	0	1 per chest
Rhubarb	2	10	0	0	1 ditto.
Rice	4	0	0	0	0½ per bag.
Safflower	3	0	0	0	1½ per bale.
Sago	4	0	0	0	½ per bag.
Sal Ammoniac	4	0	0	0	2 per chest.
Saltpetre	1	0	0	0	7 per ton.
Sealing Wax	4	0	0	0	2 per chest.
Seed Lac	4	0	0	0	2 ditto.
Senna	4	0	0	0	1 per bale.
Shellac	4	0	0	0	2 per chest.
Silk, Raw, of Bengal or China.....	1	0	0	0	1½ p. bale or ch.
— Wrought—See Prohibited Goods.					
Sticklac	4	0	0	0	0½ per bag.
Sugar, Bengal	2	0	0	0	0½ ditto
— Bourbon or Java	3	0	0	0	0½ per cwt.
Talc	4	0	0	0	1 per box.
Tamarinds	4	0	0	0	2 per chest.
Terra Japonica	4	0	0	0	2 ditto.
Tortoiseshell	2	0	0	0	1 ditto.
Turmeric	4	0	0	0	0½ per bag.
Wood for dying, and all other wood	3	0	0	0	2 per ton.

Articles not enumerated will be charged according to their value and bulk.

The foregoing rates are calculated on the usual packages in which goods have hitherto been imported; if larger or smaller, the charge for warehouse rent will be in proportion.

If goods require to be *garbled*, or to have new packages, a reasonable price will be charged for the same.

The usual petty fee of *lot* or *loading* money will be paid to the warehouse-keepers by the parties who may take the goods away.

The East India Company also deliver goods lodged in their warehouses at Blackwall from their wharf on the River Lea, on payment of the following charges, *niz.*

	Portage. s. d.	Wharfage. s. d.
In Bales, Bags, or loose	per cwt. 0 1	0 1
In Casks, or Chests.....	per cwt. 0 1½	0 1½
Rattans	per 1000 0 6	0 6
Hides and Skins	per Lot 1 3	1 3

TABLE OF CHARGES

(INCLUDING DOCK DUES)

Fixed by the Court of Directors, and payable to the Warehouse-keepers of Baggage, on the Clearance of Baggage, Wines, &c. belonging to Passengers and others from India.

BAGGAGE.

	£ s. d.
On a chest or trunk of apparel or linen, containing above 15 solid feet.....	1 5 0
Ditto, above 8, and not exceeding 15	1 0 0
Ditto, above 4; and not exceeding 8	0 15 0
Ditto, under 4.....	0 10 6
On a chest of drawers, or a couch, containing apparel or linen	1 5 0
On an empty couch, or a sea-cot and bedding	0 8 0
On a child's couch.....	0 15 0
On small packages of little value—from 2s. 6d. to 7s. 6d. in proportion.	
Cording and sealing (if required).....per package	0 1 6

GOODS CLEARED BY VALUATION.

	£.	s.	d.
On goods not exceeding £5 gross value	0	8	0
Ditto above £5, and not exceeding £10.....	0	12	0
Ditto above £10, and not exceeding £20.....	0	15	0
Ditto above £20, and not exceeding £30.....	1	1	0
Ditto above £30, and not exceeding £50.....	1	5	0
Ditto above £50.....per cent.	2	10	0

TEA.

On a package not exceeding £10 gross value	2	2	0
Ditto above £10, and not exceeding £20	0	12	0
Ditto above £20, and not exceeding £30	0	15	0
Ditto above £30, and not exceeding £50	1	1	0
Ditto above £50.....per cent.	2	10	0

WINE.

On a butt.....	2	2	0
On a pipe.....	1	10	0
On a half pipe.....	0	18	0
On a quarter cask	0	12	0

No goods are to be delivered from the warehouses before the above charges have been paid, and all other duties and charges to which such goods are liable.

N.B. The above charges do not include the Custom House dues, nor the charge for cartage from the East India warehouse to the residence of the proprietor of the goods.

SCHEDULE OF RATES

DUE TO THE

EAST INDIA DOCK COMPANY

By 43 Geo. III.

All vessels (including prize ships) with East India or China produce on board, must unload in the Docks, &c. (at such part of the cargo as the Board of Customs may permit to be unladed at Long Reach, for the purpose of lightening the vessel) under the penalty of £100, to be paid by the owner or master—Vessels outward bound to the East Indies or China, must load again in the Dock, or below Limehouse Creek, under the penalty of £200, to be paid as before.

	£ s d.
For unloading inwards, or loading outwards, to be paid within ten days after clearing inwards, viz.	
Ships, not country ships	per ton burthen 0 14
Country ships, two-thirds of the crew being Lascars,	per ton burthen 0 12 0
New ships, loading outwards for the first time, or ves- sels not having unloaded in the Docks on their last arrival, to pay before leaving.....	per ton burthen 0 4 0
Any ships removing from the Docks after unloading inwards, and not loading outwards, to have re- turned.....	per ton burthen 0 2 0
Ships having completed their number of voyages, or not continuing in the trade, to have returned, within one month after their removal from the Docks.....	per ton burthen 0 4 0
Besides the above, a further rate on all goods is paya- ble to the Dock Company, within three months after the vessel shall be cleared, ofper ton*	0 2 0
For wharfage, cartage, &c. the Dock Company are autho- rized to charge after the rate of 2s. per ton.	

* The tonnage to be computed according to the East India Company's
usual mode of calculating the tonnage of goods.

EAST INDIA TRADE.

(PRICE SIX GUINEAS IN BOARDS)

ORIENTAL COMMERCE;

OR,

A Guide to the Trade of the East Indies and China:

Dedicated to the Right Honourable

ROBERT EARL OF BUCKINGHAMSHIRE,

* President of the Board of Control, &c

In Two Volumes Royal Quarto, illustrated with Twenty Charts, engraved under
the Direction of Mr A. ARROWSMITH,

C O M P R I S I N G

I. A geographical and historical description of the principal trading ports and places from the Cape of Good Hope to Japan, with the periods when first visited by Europeans.

II. The rise and progress of the commerce of the various European Powers who have had establishments in the East Indies since the discovery of the passage round the Cape of Good Hope; likewise of the commerce of the United States of America with India and China.

III. The commerce which has been carried on by the East India Company to and from India and China, with the amount of British manufactures and other articles exported, and of East India and China goods imported by them.

IV. The commerce carried on by private merchants, and the commanders and officers in the East India Company's service, to and from India and China, with lists of the British manufactures and other articles suitable to the various markets.

V. The quantities of East India and China commodities imported into Great Britain during a series of years, and the prices they have sold for at the East India Company's sales; with copious directions for chusing them, the duties on importation, &c.

VI. The commerce from port to port in the Eastern Seas, and from India to China, carried on by the merchants resident in India.

VII. The coins, weights, and measures of the various settlements.

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XI. Various accounts relative to the East India Company's commerce, revenues, civil and military establishments, &c.

The whole compiled from authentic documents,

BY WILLIAM MILBURN.

Of the Hon. East India Company's Service,

Sold by BLACK, PARRY and Co. Leadenhall Street, London.

THE
PRESENT CONDITION
OF THE
Merchant Service;
WITH
SUGGESTIONS FOR THE AMENDMENT THEREOF
BY THE
LEGISLATIVE ENACTMENT
OF A
MARITIME CODE OF LAWS,
THAT SHALL
EFFECTUALLY PROVIDE FOR THOSE GLARING EVILS
WHICH
INVOLVE IN GREAT DANGER AND DIFFCULTY
THE
COMMERCIAL INTERESTS
OF THE
BRITISH EMPIRE.

BY CHRISTOPHER BIDEN,

*Late a Commander in the Maritime Service of the Honourable East India Company,
now Master of the Ship Victory.*

"SANS PEUR ET SANS REPROCHE."

MADRAS:
PRINTED AT THE CHURCH MISSION PRESS.

1835.

To the MERCHANTS, UNDERWRITERS, SHIP-
OWNERS, and the whole MARITIME SERVICE of
the BRITISH EMPIRE, these pages are dedicated
with a fervent hope and earnest solicitation that
they will no longer slumber over a question of such
vital importance to their own and their country's
welfare and prosperity, as the discipline and in-
tegrity of the Merchant Service, by their faithful
servant,

CHRISTOPHER BIDEN.

SHIP VICTORY, FUNCHAL,
MADEIRA,
December 24, 1834.

THE PRESENT CONDITION

OF THE

MERCHANT SERVICE,

ECT. ECT.

"There is a law in each well ordered nation to curb those raging appetites that are most disobedient and refractory."—*Shakspeare*.

THE maritime supremacy of Great Britain is so dependent on her commercial prosperity, that amongst those high and important duties which devolve on the Government, none can have a more commanding claim than that which shall uphold with honour the one branch, and sustain with integrity the other.

It is, however, most unaccountable and almost incredible that the commercial interests of the British Empire, and the welfare and prosperity of the mercantile marine, have, in all their relative bearings, been despised and neglected. Notwithstanding the repeated complaints and urgent petitions of ship-owners, merchants, and practical men, upon the subject of progressive evil and misrule throughout the Merchant Service, yet, at this enlightened period of England's influential sway, commerce, which is the main stay of her strength and greatness, is bereft of any system of rule or principle in every critical situation which may befall it; without any defined or recognized bond whereby those mutual relations of the governor and the governed may be sustained, without any tie to obedience on the one side, in the nature of legal injunction or penalty, and no sanction of power or authority on the other, that bears the stamp of legislative enactment.

Such is the deplorable condition of the Merchant Service,

which is still left without laws to protect or bind the numerous officers and seamen therein employed to their respective duties, who are thus exposed to the wanton abuse of an undefined power, on the one hand, and to all those dangerous excesses, on the other, when disobedience and revolt ensue from the pressing want of legitimate authority, and the commanding influence of positive and indisputable law.

During a season remarkable for the pledge of reform and amendment, when every chartered right has been violated, when church and state have been threatened with infuriated spoil, and the laws and constitution of England, which had long been the theme of universal praise, have been meddled with and spassed upon, yet these boasting reformers have scarcely deigned to inspect the maritime laws and usages of the kingdom; but at the eleventh hour a feeble and partial effort was displayed by their party to "Amend and consolidate the Laws relating to Merchant Seamen,"* which betrayed at one glance the visionary theory of the bill, and the indefinite principles on which it was founded, showing how futile and inefficient must be a code of maritime law which is propounded by any person however exalted his rank or station, who disdains the aid of practical judgment and the benefit of professional experience.

I cannot pass by the very culpable neglect of the late ministers to the shipping interests of the empire, without repeating what they have oft been told, that they have endangered those interests and involved the corresponding resources of the first commercial power in the world in great jeopardy; their hasty surrender to popular c'amour has done a lasting injury to the Port of London, and it remains to be proved whether their wholesale system of reform and innovation has conferred benefit on any other port. My humble opinion is this, that the recent changes in our commercial relations cannot, and will not, secure any one national advantage, and may, as I dread they will, tend to cause much distress and conflicting evil:—the China trade and the West India troubles to wit,

"T'were sad to tell, and long to trace
Each step from glory to disgrace."

What is popularity in England, unless its gain is based on honour and integrity? Lord Howe was hung in effigy

* The Right Honourable Sir James Graham's Bill, &c.

the very day he gained his glorious victory of the 1st of June, because the French dared not to fight him before; and, in our own time, we have witnessed with shame and sorrow, the dastardly ingratitude of a mob to the great and noble Duke of Wellington. Thank heaven he is at the helm of state once more; propitious fortune, the guardian of Britannia's rights and independence, has timely intervened and lulled the rage of that hurricane of popularity which laid the vessel of state on her beam ends. Now old England has righted, and is herself again! the firmness and discernment of her illustrious commander, the united skill and vigilance of her well chosen officers, will inspire every confidence in her gallant crew, whose redoubled zeal, energy, and patriotic ardour will speedily refit their shattered vessel; under jury-masts she scuds before a favouring breeze towards the haven of honour and prosperity; Nelson's immortal signal waves aloft, and, under its sublime and inspiring impulse, every true Briton will repeat with heart and soul, "England expects every man will do his duty."

It is under the auspices of an enlightened administration, whose energetic counsels and well-known resolution will firmly and vigorously carry every measure into effect which can redound to the dignity of the crown, the honour and glory of their country, and the good and welfare of the people, that I venture to renew my humble, but zealous efforts, in behalf of a cause which they will neither despise nor neglect. I make the appeal with confidence, and commit the hopes and wishes of the whole maritime service of the British empire to that collective wisdom and patriotic zeal which Sir Robert Peel, the Duke of Wellington, and their able colleagues will give full scope to.*

* While these pages were issuing from the press, a spirit of factious intrigue has dissolved Sir R. Peel's administration, and the best hopes of every ardent friend to his king and country are once more cast adrift, and must sustain the perils of a stormy season of contention. Nevertheless, I venture to predict, that well tried zeal and unswerving patriotism, will triumph again, and again, till at length England shall be rescued from the daring attempts and wily schemes of an insidious and an agitating conspiracy against her honour, her glory, and her independence!—She shall yet be saved by the firmness of those, who, amidst every conflicting trial, and every changing scene, have presented an impassable barrier to popular clamour and revolutionary phrenzy, and have displayed a dauntless shield which shall still guard from wrong and oppression, the staunch advocates and supporters of all that is dear and valuable to Englishmen!

The least reflection and study of history during the last 50 years will convey a probable idea of the evils which may ensue if further concessions are made to those vague and speculative doctrines which are based on popular applause! The French Revolution of 1792 was preceded by very similar measures to those which have already broken in upon the British constitution; but however France was then deserted by her Princes and her Nobles,—England is defended and sustained by Royalty, by

The commercial navy of the United Kingdom is launched forth from our sea-girt shores to the remotest regions of the globe; the sun in his revolving course never sets on that proud emblem of Britain's glorious achievements, which now waves in peaceful triumph throughout the world; but thousands of those ships and vessels, and countless numbers of beings devoted in allegiance to their king and country, who navigate and man them, in their continuous course and destination, do not share in common with their fellow-subjects the blessings and comforts derived from a just, impartial, and an equitable system of rule and government, but are exposed to the will and caprice of individual judgment and responsibility, and to those evils which invariably prevail where a community is left of any given or settled mode of government. Nay, more than this, the Merchant Service still groans under a most serious and oppressive evil! During a season of profound peace, its efficiency of equipment is cramped by insidious snares and unworthy means; and, I have no hesitation in saying, is very materially crippled and endangered through the sanction given by the Lords Commissioners of the Admiralty to all vacancies and casualties on board King's ships on foreign stations being supplied from merchant ships. This system can only be urged under the plea of economy, for why cannot detachments of seamen be sent out to preserve the efficiency of the navy upon the same principle as has always been in use to recruit the army? It may be argued that merchant seamen are not taken but are allowed to enter and are then taken; but prone as every sailor is to change without real cause or grievance, the very sanctioning and obliging the master of a vessel to pay him his wages and give up his clothes, which Sir James Graham's Bill expressly provided for, is, in fact, an indirect encouragement to recruit the navy by distressing the Merchant Service. How can the master of a vessel supply the loss of the only good seamen he has to rely upon when abroad? Why is the sailor's contract to his owner to be made void, and why are the rights of British merchants to be thus invaded? when, as I have clearly shown, the plea cannot be justified. The navy can always be preserved in full and ample equipment and with thousands of seamen who are neglected in their own country, and who may be found ready and willing for

an illustrious race of nobility, with the conqueror of Napoleon at their side, and a countless band of patriots devoted to the best and truest interests of the British Empire.

foreign service; they can of course be sent out in detachments to the several foreign stations in precisely the same way as soldiers are detached to their several regiments. Then, surely, such a practice ought not to prevail; it is impolitic and inexpedient, oppressive and unjust. Another cause of objection in the execution of so repulsive a duty by naval officers, who are well aware of the distress they occasion, but must obey, are these consequences, an ungenerous feeling and unworthy prejudices are excited on both sides, inimical to the welfare of the two services, which ought to be cherished by mutual loyalty and zeal.* Another most arbitrary measure is still in force, which bears with great hardship on owners of ships, viz., a refractory seaman, who by misconduct, desertion, or incapacity, has very justly forfeited some portion of his wages, they are withheld until the completion of the voyage, when the man seeks redress through the aid of a petty attorney, who conducts him to Doctors' Commons, where a most summary process, arbitrary beyond conception, compels the payment to the delinquent, without any enquiry why, or wherefore, his wages have been stopped. I venture to say, in ninety cases out

* The subjoined case will fully warrant the arguments I have adduced against a system so unjust and reprehensible, which tends materially to inflame the minds of a ship's company, and excite them to a spirit of discontent and insubordination.

The following is an extract of a letter from Mr William Maitman, purser of the Hon. Company's ship *Thomas Coutts*, to S. Marjoribanks and Co., dated Madras, May 13, 1822, accompanied with a protest:—

"I am sorry to observe that the same conduct which has existed with the men of war in this country for some years past still appears to be going on, and that on the day of our arrival (and before the *Thomas Coutts* was moored) we were boarded by a boat from His Majesty's ship *Glasgow*, Captain Doyle, who beat up for volunteers, and took with them no less than eighteen of our best seamen, three of whom were quarter-masters. Captain Chrystie, and the officers of the *Coutts*, did every thing in their power to resist the threats of the officers of the man of war from carrying off the ship's company in this way; but their remonstrances had no effect, as they sent boats armed with marines, and absolutely forced the people out of the ship. We have sent in a strong representation to the Governor in Council, and protested against the conduct of Captain Doyle and the officers of the *Glasgow*, but whether they will interfere so as to get the men sent back to the *Coutts* or not, is matter of doubt. It has thrown the ship into complete distress for the want of men, and should we not get the people again, there will be much difficulty in getting hands here."

THE PROTEST.

TO CAPTAIN DOYLE OF HIS MAJESTY'S SHIP GLASCOW,

Madras, May 13, 1822.

SIR,—Understanding that your ship is about to proceed to sea, with the eighteen men, quarter-masters, and the best seamen of the Hon. Company's ship *Thomas Coutts*, which your boats carried away from from that ship, I hereby beg leave to acquaint you, that the ship *Thomas Coutts* has thereby been rendered unfit for the purposes of her voyage; and that I hold you responsible to my owners, insurers, and all concerned, for all events that may happen in consequence of your having distressed the ship.

I am, Sir,

(Signed) ALEX. CHRYSIE.

* On this being communicated to the officers of the *Glasgow*, they replied that navy did not acknowledge that authority.

of a hundred, the decision is a positive act of injustice to the owner, and is fraught with alarming injury to the discipline of the Merchant Service, and this very circumstance proves the urgent need of a Maritime Court, on the principles I have suggested, for framing a code of laws, which will be found at the close of this work. Owners of ships, rather than submit to the perplexing forms and vexatious delays caused by litigation, yield to the peremptory demands of imperious mandates, which are certainly inconsistent with justice and the high-sounding pretensions of British freedom.

While on this subject, I cannot avoid noticing the inadequacy, in every essential point of view, of our several maritime tribunals, whether we consider the want of practical knowledge and the inexperience which directs and guides the several magistrates presiding over them, or the ruinous expense which attends any system of maritime jurisprudence; whereas, protracted issues either defeat the ends of justice, or saddle the party seeking the redress with all costs and charges; the other party, not having the means of paying even his own expenses, escapes in nine cases out of ten with impunity. I am firmly of opinion, that no one measure will afford so much relief on all sides as the establishment of Maritime Courts, empowered to institute prompt inquiry and give summary redress; such a boon will be hailed with general satisfaction, and will tend materially to fix the standard of naval discipline on the best and surest foundation.

The Merchant Service was long upheld in character and general estimation by that most efficient and truly respectable portion devoted to the maritime service of the Honourable the East India Company.

A state of discipline and equipment, and a system of rule and good management prevailed throughout that splendid branch of Englaud's mercantile marine, and reared a class of meritorious officers, whose conduct has so lately been the theme of such general and well-earned approbation, that any comment from my pen would be superfluous.* But

* Extract from a Letter from the Honorable the Court of Directors.

Public Department, March 11, 1835.

1. We have the satisfaction to acquaint you that His Majesty has been graciously pleased to permit the late officers of our maritime service to attend His Majesty's Levees in their accustomed uniforms, and to continue to hold their nominal rank.

2. His Majesty has accompanied this mark of his consideration by the expression of his persuasion that the Officers upon whom it is conferred are fully entitled by their merits to His Majesty's favor.

3. We direct that you will notify the same in the Gazette at your Presidency.

those impolitic and unwise measures, under the sweeping influence of reform and innovation, have with one stroke cut off that important branch of our commercial navy, consigned the most splendid and warlike ships to the hammer, and scattered a host of deserving officers, leaving them to their own resources, and throwing them amongst the remnant of the Merchant Service, without any defined code of maritime law, or any organized system of rule or order. Deprived of the commanding example, aid, and influence, and, above all, the high and exemplary conduct of such a service, whence originated the few acknowledged but little observed standard rules for mercantile order and subordination, it now becomes a more imperative and necessary duty on the part of underwriters, ship-owners, and masters of vessels, to urge, in the strongest terms, their claims to have their grievances fairly redressed, and it is the bounden duty of His Majesty's Government to inquire into the abuses which have too long prevailed throughout the Merchant Service, and establish an efficient code of laws for its governance. The enactment of a maritime code of laws will require the aid of practical judgment, and competent and experienced men should be summoned forthwith, and examined before Committees of both Houses of Parliament and their best suggestions embodied into law. The Merchant Service, which amidst hardships and privations unknown to the common lot of mankind, is rearing and fostering a race of hardy seamen ready to serve their king in battle, and ever true to the best interests of their country in time of peace, should be supported with more consideration and respectability than has hitherto been displayed. Surely, then, we may claim the generous zeal of our statesmen, the talents which they display for their country's welfare, together with that spirit of benevolence in our cause which constitutes the pride and birthright of Englishmen.

I will now endeavour to illustrate the subject of NAVAL DISCIPLINE with a few leading observations, tending to show that it may be vigorously and equitably sustained; and I humbly trust the following pages will at least prove that, whilst I contend for order and substantial rule, I am not the less an advocate for the principles of humanity and justice, and that the doctrines I have herein laid down are opposed to that stern unbending system which seeks to induce alacrity and zeal under the impulse of fear;—

"Example of justice must be made for terror to some, examples of mercy for comfort to others."

A system of naval government cannot border upon perfection without a just and correct notion of the primary object which it is essential to obtain, and which should prevail throughout. This point of excellence is DISCIPLINE,—it demands the steady and paramount attention of every seaman; it is the source of honour and glory, of fame and prosperity, and on its equitable influence depends the health and welfare of those who rule and those who obey. Discipline promotes and insures comfort, content and cheerfulness, confidence and alacrity, while a state of insubordination tends to tyranny, revolt, and misery.

When we consider how much is at stake in the varied duties of the naval profession, that lives, property, and national honour frequently depend upon a correct and vigorous performance of the duties which attach to the eventful career of British seamen, we must allow that system to be the most perfect which commands a zealous and strict discharge of those duties; and, however repugnant the term naval and military discipline may be to mere theorists, yet the surest test of opinion, the testimony of practical men, of the ablest officers in the army and navy, and of the mercantile marine of Great Britain, proclaim that a just and impartial state of discipline is absolutely necessary to maintain the rights and liberties of our country, and the supremacy of that flag which has waved in triumph over every foe, hurled destruction on the tyrant, succoured the oppressed, and now, amid the blessings of universal peace, sustains our commercial prosperity in the remotest corners of the globe.

It is because the system of naval discipline has been violently assailed, and its principles arraigned before the tribunal of popular clamour, with a tide of prejudice which judgment and reason can scarcely bear up against; that I presume to declare my sentiments in behalf of a cause, which, in common with all ranks and classes of my brother seamen, I consider as one of the utmost national consequence. In doing so, I humbly hope and trust that the numerous proofs, which from ample and undoubted sources I have gleaned in illustration of these opinions, may operate with beneficial tendency to check the torrent of ignorance and prejudice which now spreads itself in popular, but vague and speculative opinions, inimical to the maintenance of good order in our fleets and armies.

Discipline has degenerated into extremes, and undue se-

verity has led to cruelty and oppression, while a lax state generally leads to gross negligence, and both extremes have often been followed by open and daring mutiny.

In treating upon discipline, I shall endeavour to hold out for general rule and guidance that system which is as perfect in all its bearings as human laws can devise, and the infirmity of human nature carry into effect, remembering the beneficent dictates of Christian charity and the genuine principles of religious forbearance, which strike home to the conscience of every man, plainly telling us, that we should do as we would be done by, and always "*temper justice with mercy.*"

He who is entrusted with the command of a ship has life, property, and the good of his country involved in his conduct ; he has, besides, the comfort and happiness, and, in great measure, the health of all under his command dependent on his will, to each and all he may be a guardian friend or a cruel oppressor. It therefore behoves every captain to do his duty uprightly, deliberately, and with resolution ; he should exert the utmost powers of self-control, should banish every tendency to passion, however much provoked, and should never yield to prejudice against, or in favour of the accuser or accused. Nor should he be too rigid on trifling matters of complaint, if incautiously made known to him, where the error may be diversity of judgment, and where moderation is not injustice. Alleged offences of a graver character should pass the ordeal of a Court of Inquiry, convened by the commander's orders and held under his direction, when time has sufficed for every angry feeling to subside. The court to consist of the Captain and his officers, the offender to have every benefit which the laws of his country allow, by summoning his witnesses, by interrogating both them and those produced against him.

The captain, who presides, fills the office of a chief-magistrate, it is his duty to give the prisoner every possible benefit by prompting such leading questions in his behalf, as may tend to extenuate his offence, or bear upon the credibility of the evidence adduced ; where a strict and diligent display of justice is apparent, the crew are impressed with awe and veneration for the character of the tribunal, while an impression on their minds of injustice, and that their shipmate has not had fair play, excites a degree of discontent not easily allayed. I have heard this mode of inquiry in the Merchant Service reprobated, and termed a presum-

tuous imitation of the navy, a charge which the least possible reflection will refute.

Whenever the commander or master of a merchant vessel yields either to his own infirmity of temper, or to the excited feelings of his officers or mates, and punishes one of his crew without due inquiry and deliberation, he may justly be charged with having exercised an arbitrary and unlawful sway. Symptoms of disaffection and mutiny require a prompt and vigorous check, and must be quelled by summary means ; in all other cases, every commander who yields to the aid and influence of collective counsel, prevents any suspicion that his conduct has been governed by a vindictive or improper feeling, and the members of the court, together with an tested copy of the proceedings of the inquiry, when produced before a higher tribunal, will tend more than all other evidence to justify the measure and to defeat the wily schemes of pettifogging lawyers. On the trial of the seamen of the Honorable Company's ship Inglis for mutiny, at the Old Bailey, Mr. Justice Bosanquet very minutely explained the power of inflicting punishment on board merchant ships, and particularly urged the propriety of holding Courts of Inquiry by the Commander and his officers.*

No punishment should take place until the morrow.— No time is more suitable for calm and dispassionate judgment than the undisturbed repose of night, when the Commander can deliberately review the case and determine, with that authority which is vested in him alone, as to the character and general conduct of the prisoner, and the disposition of his crew, whether an example of severity or an act of lenity is likely to produce the best effect. On all occasions I recommend the decision of the Court of Inquiry being publicly made known ; if unfavourable to the prisoner, let him, in the presence of his shipmates, have the advantage of a last appeal, and then the captain may yield to the impulse of a benevolent heart, and exercise his sole judgment as to the expediency of punishment or pardon.

" To have the power to forgive
Is empire and prerogative :
And 'tis in crowns a nobler gem,
To grant a pardon than condemn."

such cases of insubordination as militate against rules and regulations, naval officers should bear in d the maxims of our illustrious Nelson, that "Lenity at

first is severity at last." Every attempt to excite disaffection, or any tendency to open mutiny, must be quelled by prompt and vigorous measures, and then severity is justice.*

Professional men, as well as others, are divided in opinion as to the measure and quality of discipline; one party maintain that a stern unbending sway, which shall enforce rigid subordination through the medium of *fear*, is the best system. The other party seek to induce promptitude and zeal by milder measures, and love to temper the severity of rule with indulgences; and this party insist that their system of moderation will ever preserve efficient control whilst in the hour of trial and of peculiar peril and exertion, the confidence and attachment inspired by such conduct, will produce far superior and more energetic results than any which can follow the habitual use of rigorous restraint and harshness of demeanour. The quality of discipline, like that of mercy, should not be *strained*; it should be adjusted to suit the variations of times, men, and circumstances. Imperious necessity may call either system into action, and prove that both have their efficiency, as may be exemplified in two remarkable cases:—Admiral Earl St. Vincent commanded a powerful fleet during a most momentous period of the late eventful war, when the rights and liberties of England were at stake. Revolutionary principles and traitorous designs inflamed the hearts and minds of numbers of our countrymen on land, and sedition tainted the loyalty and discipline of our fleets which displayed unequivocal symptoms of a spirit of revolt and disaffection. The mutinies at the Nore and Spithead were quelled, but two frigates had been carried by their crews into an enemy's port, and the contagion was diffused to an alarming extent through fleets and squadrons in every quarter of the globe. Earl St. Vincent possessed vigour and firmness equal to the importance of the confidence reposed in him, and by making several examples, which,

* A well digested code of regulations for the internal discipline of every ship enables both officers and seamen clearly to understand the line of their respective duties; the rules should be compressed in a simple form, plain and intelligible, such as will assuredly facilitate their own operation, and induce mutual confidence, content and good order.—The power of punishment must exist, it is absolutely necessary, but it should be administered with the most cautious discretion, in a formal and an exemplary manner, every other mode of enforcing the necessary duties of a ship must be abolished and strictly forbidden. Any deviation from these rules or any violation of the regulations which they enjoin, should be promptly noticed, and neither the officer, nor the seamen should be exempted from the consequences, which an impartial consideration of the offence may demand. This *imperium imperio* constitutes the basis of discipline, and when ably directed and carried into execution with justice and humanity, will meet with satisfaction and due reward.—The Victory's rules and regulations accord with these principles.

though terrible and severe, were yet equitable and just, he restored the honour and discipline of the British navy.

Circumstances favoured the system held and always observed by Lord Nelson, who won the affection of all under his command to such a degree, that he was emphatically styled by seamen their 'father and friend.* The brilliant career of this renowned Hero is the ablest commentary on his skill as an officer, and his judgment as a gentle disciplinarian.*

Lord Nelson was a follower and a great admirer of the talents of Earl St. Vincent, but it may be doubtful whether the generous sympathy and humanity with which Lord Nelson so sensitively blended his exalted courage, would have qualified him equally well for the painful duties which, at so awful a crisis, were imposed upon Earl St. Vincent. Severity accorded with the dictates of justice, when ill-timed lenity might have involved the navy in ruin and disgrace, and shaken the safety of Old England to its very base,

“ He that's merciful unto the bad is cruel to the good.”

That ship is in perfect discipline which displays the union

* The extraordinary attachment cherished by seamen to their illustrious Admiral, was never more conspicuously displayed than upon the memorable occasion, when, for the last time, the Hero of the Nile resumed his command of the British Fleet to watch the motions of the combined Fleets of France and Spain off Cadiz, which event occurred on his birthday, the 29th of September, 1805. Such was the eager anxiety of his brave companions in arms, that before Lord Nelson's approach was announced by signal, a rumour spread throughout H. M. S. Donegal, Captain Sir Pulteney Malcolm, that the Victory was in sight, hands ran up to each mast head, a burst of spontaneous enthusiasm, a shout of joy and delight found vent in a hearty cheer throughout the ship, while each gallant tar exclaimed, “ He is come, the FATHER is come, the SAILOR'S FRIEND is in sight,” the excitement was so great and general, that every other feeling, and every other sense of duty yielded to this heart-rending and spirit-stirring impulse. Such an electrifying display, the glow of manly pride and ardent patriotism, mingled with the utmost veneration for their renowned Chief, whose return was at once an earnest, a sacred pledge for glory and conquest, that the officers were at first surprised at the sudden transition from the routine of duties on hand to such a momentous display of enthusiasm. But when they rightly understood the animated cause, they immediately apprized their gallant and distinguished Captain with the circumstance, who promptly addressed his ship's company in terms adequate to their feelings, and equally honorable to his own; he pledged himself that full scope should be given to their dauntless valour, and that whenever the enemy hove in sight, he should be proud to follow in that glorious career to which their idolized Chief would lead them! This anecdote was related to me by an officer then serving on board the Donegal and now commanding one of the highest disciplined and most efficient frigates in the Navy. Lord Nelson himself, in a private letter mentioned with great energy and feeling, the welcome and joyous reception he experienced on joining the Fleet, his noble sense of humanity, his generous care and attention to the merits, the wants and comforts of all under his command, insured him the confidence, love, and gratitude of officers and seamen, and these sentiments are cherished to this day by many a British seaman.

† “ No man understood this distinction better than Lord Nelson, who acted upon it uniformly; with what wonderful success we all know. Some one was discussing this question with him one day, and pointing out the eminent success which had attended the opposite plan followed by another great officer, Lord St. Vincent; ‘Very true,’ said Lord Nelson; ‘but in cases where he used a hatchet I took a penknife.’”—*Bast Hall's Fragments of Voyages and Travels.*

of external beauty and internal order, with the experience of contentment and happiness on the part of her gallant crew.

"How gloriously her gallant course she goes!
Her white wings flying—never from her foes—
She walks the waters like a thing of life,
And seems to dare the elements to strike.
Who would not brave the battle—fire—the wreck—
To move the monarch of her peopled deck!"

Byron.

The realization of such a picture is no new thing in the British navy or mercantile marine; may the exceptions to such a happy condition continually decrease in number till the maritime supremacy of our country rests not more on her floating bulwarks, than in the hearts and hands of those who, from the Admiral at the head of his profession, to the youngest and meanest that walks a deck, feels himself not merely a servant of his country, but also a son; his happiness connected with her prosperity; her honour impeached by his misconduct. What the Jews felt of old for their sacred city should in some measure be the feeling of every naval officer for the service, and every seaman for his ship. "If I forget thee, O, Jerusalem! may my right hand forget her cunning, if I prefer not Jerusalem above my chief joy."

High motives should be inculcated on all from whom we expect high duties.

Discrimination and discernment are most necessary qualifications; every one in command should make it his duty to study the characters of both officers and seamen. He should know when to hear and when to see; there are characters among seamen who may be controlled by lenient measures, and thereby redeemed from misconduct, on whom severity might produce a contrary effect; and there are others who cannot be reclaimed without corporal punishment, and whose callous nature may be stimulated to reform by severity. On the other hand, the grateful duty of bestowing reward and encouraging conspicuous merit is ever a surer and more certain method of obtaining good discipline, promoting cheerfulness and zeal, and inspiring satisfaction and content. Happy is he, who, in a well regulated ship, can dispense these benefits with a firm and impartial hand, he becomes not only the captain of his ship, but a friend of his people; his orders are obeyed with pleasure and alacrity, his person and command inspire respect and gratitude; and a glow of national pride animates all his crew. Captain Beaver, R. N., whose merits as a talent-

ed officer are well known, gave the following advice to a young naval friend who had just attained the command of a sloop of war. "As all who wear blue jackets are not sailors, be careful to discriminate between the true bred seamen and the profligate vagabonds, who are too often intermixed with them. Recollect also that numbers of your people have been impressed and are the unwilling victims of our temporary though urgent interests. Such considerations, added to the tantalizing breaches of the ties at home, which the very nature of the service renders necessary, should make every good officer desirous of establishing the comfort of his crew.

"Temper discipline with kindness, endeavour to grant some respite in port, if the tenour of your instructions will admit it.

"The refitting, stowing stores, squaring yards, working boats, and drying sails, with all the minor minutiae, leave but little leisure. And yet I know many smart gentlemen who torment themselves to find constant labour for their ship's companies ; and who would be astonished to find that it was not considered a proof of knowledge. Jack knows well enough what is necessary, and, therefore, does not relish a too frequent mustering of hammocks and bags, polishing of iron work, and other artificial modes of teasing the time."

Seamen are naturally quick in discerning the character and professional abilities of those who command them, and a mutual regard should be cherished for mutual habits and feelings. These are points which bear upon this question and are of great value and importance. The naval officer should never lose sight of that respect which is due to himself, nor should he be heedless of that regard which is due to the peculiar situation of those under his command.

For instance, seamen should be indulged in their choice of messmates as far as is consistent with the regulations of the ship ; their social pleasures should be encouraged, and the relaxation of their monotonous duties should be the signal for dancing, singing, and other sources of innocent enjoyment. In sickness they should receive comfort, kindness, and attention, and when death casts a gloom throughout the ship, nothing is so grateful to the sailor's mind as to recall the care which has been bestowed on his lost messmate during a painful illness, by the liberal and humane conduct of his captain, and last, though not least in the estimation of an honest tar, is the emotion betrayed by his commander

when the remains of his friend and shipmate are consigned to a watery grave with solemnity and respect.

There is another duty, and one to which I attach the utmost importance ; it is keeping holy the Sabbath-day. Sublime as is the performance of divine service every where, in no situation of life can this bounden duty excite more grand or awful veneration than on the quarter-deck of a well-regulated ship. When we regard the vastness of the scene around, the interesting attention of hardy seamen, the cessation of every other duty, and yet the steady progress of the ship as she bounds over the pathless sea, that grandest of all our great Creator's works,

*" Which unchanged and changeless still,
Moves obedient to his will,"*

the voice of God seems to speak through the elements, no less than through his word, renewing vain man's knowledge of Christian duty, and inspiring him with religious hope ! A due performance of this sacred service may be considered as the very bond of naval discipline; it inspires a degree of order and respect in the breast of every seaman towards his officers, and it offers that scope for reflection on the divine duties of humility, forbearance, and charity, which Christianity prescribes, and which so strictly accord with rules and regulations of an equitable system of discipline. How negligently divine service is performed on board some ships, and how entirely it is neglected and omitted by a large portion of the Merchant Service is too well known, to the shame of those who in command are thus callous to their own reputation and to the religion they profess, thereby involving in misery and vice those who for successive voyages are guided by so pernicious an example. In every ship to which I have belonged, I have always witnessed a most zealous attention to a prompt assembling at divine worship on the part of the crew; Roman Catholics or Protestants, all seemed impressed with a solemn sense of this duty, and their behaviour and devotion has ever equalled, if not exceeded, that of any other congregation in which I have mingled.

There cannot be one rational excuse offered in extenuation of such culpable neglect; it should no longer be suffered with impunity. Every commander or master of a vessel should be bound under a penalty to perform divine service, or state in his log-book his reasons for every omission of the duty. He who can navigate the vessel he commands can read the plain and impressive Liturgy of the

Church of England to his crew; he can also select from the Homilies of the same Church such instructive discourses as will tend to the moral and spiritual improvement of his ship's company, and have a salutary effect on his own mind. All nations, every age, and every sect, ancient and modern, have never failed to implore the aid of an overruling Providence to be their shield in battle or to avert impending evil. The Bible abounds with numerous instances of pious zeal, and a firm reliance on the God of Hosts, by kings and chiefs who led their armies against heathens and idolators.

The habits and associations which seamen too often imbibe in their short-lived career of vice and folly on shore, are of such a nature as to banish for a time every idea of moral and religious restraint; they shun public worship, increase their toils and dangers, and too often have cause to review the past with horror and remorse. It is only on board a well-disciplined ship that this hardy but thoughtless class of men are reclaimed, and taught to value the experience of the past, and turn it to the advantage of the future.

The following should ever be recognised as a standard rule, and should be publicly notified upon the quarter-deck; and by a written notice, conspicuously displayed on the commencement of a voyage, to this effect:—"If any cause of complaint arise, or the crew have any particular grievance to complain of, the same is to be quietly and respectfully made known by some of the petty officers or leading men deputed by the ship's company to the chief-mate on the quarter-deck, and through this official channel the complaint is immediately to be laid before the captain." This important order involves much, and should be strictly and scrupulously adhered to. Many serious disturbances have arisen on board ship by inattention to what have, without due reflection, appeared trifling complaints, of which the captain has himself been kept in total ignorance. The seamen have imagined their wants, their grievances, their comforts neglected, and a spirit of discontent and insubordination consequently increased; in some instances to a fatal extent.

Neither officer nor man should be allowed to take the law into his own hands; every appeal, every complaint must be made to the captain. The seaman will thereby rely with confidence in his protection, and conviction in his mind that justice is portioned with an even hand, will in-

sure more good will than even more lenient measures dispensed by unauthorized and subordinate powers. The petty tyranny which once prevailed in the Navy and Merchant Service, was more fatal to the zeal and discipline of both than all the severity which martial law adjudged or commanders of ships inflicted. The brutal system of starting with a rope's end, which I have witnessed with horror, was a shameful custom, and was too frequently practised by officers in charge of a watch, always in moments of passion, and often without the knowledge of the commander; the severity of this heartless punishment was beyond that inflicted by the cat, and the sufferers were the victims of unbridled anger and excited prejudice. This practice no longer disgraces the maritime usage of England; it is prohibited in the Navy, and was also strictly forbidden in the East-India Company's Service, and is held in such deserved and general reprobation, as would not fail to visit those who may venture the recurrence of such a punishment with a heavy penalty. Other and more barbarous modes of naval punishment have long since yielded to the influence of reason and humanity. Time has softened the rugged feelings of man's nature, and moulded them into a more generous sense of justice and compassion. As a staunch friend to that discipline which is founded in equity and efficiency, I disclaim with equal zeal any system which governs by cruelty and oppression; and have ever been of opinion that, sooner or later, an undue course of severity tends to defeat the very object in view; it creates hardness of heart, and has a certain tendency to produce contempt and disaffection.

" To reflect justly is a function of the mind ; to feel sensibly the impulse of these reflections is the pleasure of the heart. But to find our happiness in that of others is surely the most exquisite and refined delight of which human nature is susceptible."

" A great example your high courage warms,
And to illustrious deeds excites your arms ;
So when you instances of mercy view,
They should inspire you with compassion, too.
For he that emulates the truly brave,
Would always conquer, and should always save."

An able writer on the subject of naval discipline has well observed, that " by far the greater proportion of all permanent and effective obedience is due to opinion, to customs, to tacit agreement, or whatever else it may be called."

" A judicious officer will never be disposed to use punishment with any other object than as a preventive to crime ; but all experience proves, that in order to carry with him the sympathies of the people he has to deal with, he must maintain the established order of things, by endeavouring as much as possible to conform to recognized punishments ; not to devise new ones. That such power is peculiarly liable to abuse is so obvious, that every person in command ought to be circumscribed by responsibilities of the most distinct nature ; and no offence should ever be allowed to escape the vigilance of still higher and more responsible authorities. Such superintendence will never interfere with good discipline, because it will always be directed to the detection of departures from those technical usages, which, as they derive their chief excellence from the circumstance of their being well understood by all the parties concerned, men, as well as officers, it is of the greatest importance to preserve unchanged, in order to their being duly watched."*

It is precisely the system, as quoted above, which has upheld the discipline in well regulated merchant ships, whose commanders have felt confidence in themselves and their officers, and have displayed sufficient firmness to practise and carry into execution the known usages and customs essentially necessary to maintain subordination.

But, on the other hand, serious evils have ensued through glaring misconduct betrayed by commanders in the Merchant Service, who, regardless of what is due to themselves and to their employers, have allowed refractory seamen to make head against all order and regularity, until a daring spirit of open mutiny has triumphed with impunity, or has been subdued by bloodshed.*

Such a lamentable result is the fruit of an ill-timed forbearance, a want of confidence, and in most instances is the attendant consequence of imbecility and misrule.

With regard to a controlling power which shall check the abuse and tyranny of those who may hold a long and temporary sway, no one can refuse assent to so just and necessary a power of supervision, for all authority is liable to excess and undue influence. But I am convinced the ill-timed zeal of many persons in and out of Parliament, who, in their anxious desire to court popularity, have disseminated visionary schemes, and *mal-apropos* theories

upon naval and military discipline with a lavish display of unwarrantable acrimony against both services, have done much harm; their baneful principles have excited a tendency to relax that state of discipline which can alone insure success in war, and an honourable security in peace.

Whenever the time may arrive for a full and impartial investigation into the state of the Merchant Service, with the view of effecting a salutary revision and amendment of the maritime laws of the United Kingdom, much will depend on the efficiency of the new code, and the manner in which the evils arising from popular prejudice and excitement are overcome. It will, therefore, not be irrelevant to the subject to consider what are the schemes of those who are in truth opposed to a just and necessary state of discipline in the army and navy, and whose evil propensities and mischievous views would carry them still farther in opposition to the legislative introduction of a well-digested and efficient system of rule for the guidance and government of our mercantile marine.

The great and popular scheme of such theorists is to *put down flogging*,* and every species of punishment of a summary and an exemplary kind; for instance, the abolished use of the cat is to be supplied by the adoption of *solitary confinement*,—a mode of punishment

* Those persons who so violently oppose coercive measures and flogging on board ship, cannot be too often reminded that offences committed on shore, of much less consequence than those which are visited by corporal punishment in the naval service, would in some cases incur the penalty of transportation, imprisonment, and whipping; so that, in fact, whipping or flogging is a part and parcel of British law! Again, it should be borne in mind, that the mutineers at the Nore used the cat with double severity among their misguided shipmates; and at that eventful crisis, when every grievance which scamen could allege in extenuation of their crime was urged, yet they never at that period complained of the system of flogging, nor were they opposed to the sound and equitable principles of discipline.

I will venture to say, if the power of inflicting corporal punishment in extreme cases, when firm and decisive measures can only inspire hope and confidence from the dire effects of *wreck, fire, or mutiny*, be taken away from those who hold the reins of discipline, greater severity must in such cases be resorted to.

Place a ship in such a situation whence prompt obedience and the utmost zeal and energy can only insure safety, for instance, on fire, when the least confusion or dismay, and when any contempt for authority might prove fatal; or in a state of open mutiny, when one moment of irresolution may involve all on board in one desperate conflict and sanguinary revolt.

These are cases which have happened in the Navy and in the Merchant Service, and the fatal consequences which might have ensued, have been overcome and prevented either by discipline, by the terror of the cat, or by firmness and resolution. Now, in either of the cases which I have cited, would the system laid down by the unpractised theorists of the day have operated with any vigorous effect or control? The coward and skulker, for none other would set authority at defiance in times of peril and danger, would not be deterred by the threat of a future day of trial and judgment, solitary confinement; and prospective punishment he would hail with joy and content. In short, such is the peculiar characteristic of the maritime profession, that what may insure subordination in the Army, will not do in the Navy. In peace

which cannot be adopted even in the navy, and is utterly impossible in a merchant man, where every man must do his duty, or be made to do it. Where is a solitary cell to be found ? and who are to do double duty for incorrigible skulkers, who in stress of weather would purposely incur the doom of so snug and secure a retreat from hard work and rough weather ? besides, instead of such a punishment producing the least beneficial influence on the rest of the crew, it would excite a spirit of discontent, and would bear with great injustice and hardship on the well-disposed portion, who would necessarily have the prisoners' duty imposed upon them. *Solitary confinement is therefore out of the question.* Next in order is a system of *prospective punishment by forfeiture* of a certain number of *days' wages*, none of which are due until the termination of the voyage ! Sir James Graham proposed, in the bill which he introduced into Parliament last session, that disobedience of orders, neglect of duty, and desertion, should be visited by the forfeiture of a few day's pay !

Now all those who are the least acquainted with a seaman's character, know full well that he is utterly regardless of the future, (especially he who would violate the first principles of discipline.) he squanders his hard earnings in folly and dissipation, and so distant a day of reckoning would have very little influence on his habits when he has

or in war, the seaman has to brave dangers and incidental difficulties, which can neither be foreseen nor provided against, except by great sagacity and skill, under the guidance of a well organized system of order and discipline. A ship may drive on a lee-shore, through neglect and disobedience, may run down another vessel at sea ; may broach to, or be brought by the lee, endangering ship or masts, life and property, through that neglect, indifference, and contempt for authority, which happens more or less where neither discipline nor authority have maintained a just and necessary sway. Then let those meddling legislators beware of the folly and mischief which may follow their visionary schemes, in those hasty and ill-judged measures which they are so desirous should supplant a well-practised system of naval discipline, divested as it now is of tyrannical ussage or wanton abuse. If the lash is abrogated in use, the yard arm or pistol and cutlass may oft be required as a substitute ; for where danger and difficulty can only be subdued by rigour and promptitude, summary and exemplary means must be at command.

If these powerful means are requisite in the Navy, guarded as that pre-eminent corps is by martial law, and other tangible means, how much more urgent is the defective condition of the Merchant Service ! The character of the seamen is the same, but we cannot carry the comparison beyond that class ; and situated as the masters and officers of the Merchant Service are, few among themselves, but having all that is dear and valuable to themselves at stake, their case is hard and full of danger, they are pressed down with responsibility, and worn out with care and anxiety, and are frequently placed under the most trying difficulties that can befall a seaman in all the vicissitudes of his perilous career ! It is therefore the bounden duty of all those who value the commercial interests of our country to enter fully into the merits of the subject I have discussed, and to award justice to a meritorious class of their fellow-subjects with zeal and impartiality.

once dared to set all authority at defiance. There are, however, some common offences which may be checked by stopping some part of a man's pay, such as drunkenness, and incapacity,—that is, a man shipping as an able seaman and being found on trial unfit for the duties of that station. Another and not an uncommon imposition is for a man to evade the usual vigilance of the surgeon; he is, however, soon found to be afflicted with some incurable disease,* and becomes a nuisance and a burthen to the ship; under the present system this man who has made an hospital of the ship claims and receives his wages; such an imposition ought to be duly recorded in the ship's log, and by law all demand for pay be set aside, and none be recoverable. Summary and exemplary punishment can alone preserve discipline and enforce obedience; it is, therefore, indispensably requisite that the most ample, yet well defined power and authority should, by legislative enactment, be vested in the hands of every commander of a merchant vessel, whose important trust and great responsibility demand for him protection and support, as well as exemption from the present harrassing system of actions by worthless seamen, and still more disreputable attorneys.

The numerous cases of insubordination on board merchant ships, cited before the Thaines' Police, afford abundant proof of the inadequacy of the existing laws, while those I have related in the Appendix will shew the serious consequences which may speedily ensue if by open defiance of all authority, theft, and other offences are to escape with impunity, and triumph over truth and justice!

Having amply detailed the question of naval discipline, and I trust established the expediency of an amendment

* A most miserable instance of this kind occurred on board the Hon. Company's ship Minerva in 1829-30. A man was received as one of her crew, and contrived by that dexterity, peculiar to impostors, to conceal his case until the Minerva was out of the channel, he was ever after on the sick list, and confessed he had been discharged as incurable from one of the public hospitals;—the stench issuing from this man's corrupt state was horribly disgusting in one of my visits on board that fine and well regulated ship in Bengal. I had scarcely reached the main hatchway on the gun-deck when the offensive condition of the wretched invalid was very sensible. This case is the worst I ever knew; but others of equally useless characters have been very common in the Company's service, where such a superior establishment and such effectual medical aid have been most liberally provided.

These shameful impositions have been suffered with impunity; the surgeon's unremitting care and the commander's indulgent supply of comfort from his table, have been lavished with an unsparring hand on fraudulent impostors who have thus forged themselves on high principles of humanity and compassion; and such worthless characters claim the full amount of wages on the ship's return to England; while, strange to say, there is no remedy against so glaring an evil!

in the existing state and management of the merchant service, I will briefly relate the causes and effects of present misrule and the disaffection which is caused thereby. Every friend to justice and humanity, every friend to his country will cherish principles that have a direct tendency to ameliorate a system of confirmed and acknowledged neglect and error, which engenders severity of rule, unnecessary privation, and individual hardship. A preventive system governed by caution and discernment will ever be found the most prudent mode of controul, and will operate with a beneficial and salutary effect.

The present ill-defined system of conduct in the government of the merchant service is the main cause of discontent and insubordination throughout that profession. The grievances are these :—Irregularity in the mode of victualling; inattention to the wants and comforts of seamen; harsh, and, in some instances, unjust and cruel treatment, unnecessary and vexatious interference with the peculiar habits of seamen; frivolous complaints for trifling irregularities or accidental omissions of duty; and another grievance which seamen labour under, is the gross abuse lavished upon them indiscriminately, when no urgent occasion can warrant the violent and offensive epithets so frequently and disgracefully in use.

Coarse and unbecoming language is degrading at all times; and in moments of great excitement, when prompt and energetic duties leave no time to study the language of rebuke, it is a matter of regret that this practice has held such sway in the naval profession. The system is highly reprehensible, and should be checked and subdued by every possible means of restraint. This prevalent custom and habit on board ship has frequently produced a sullen irritation, and to this cause may be traced acts of insubordination which have sometimes involved the necessity of severe punishment.

These evils admit of an easy remedy; reflection will convey a due sense of the folly and injustice of conduct which entails such mischief and oppression; and the silent admonition betrayed by conscious reproof when we deviate from right to wrong will produce a higher sense of honour and rectitude, and insure a corresponding feeling in every subordinate station, by which the correct discharge of duty will be best insured, and comfort and happiness thereby attained.

The minor offences which frequently cause delay and

bear hard upon a better disposed portion of a merchant ship's crew, are as follows:—

The most fatal to all discipline and which requires the most severe check, is drunkenness, which however rarely happens in a well regulated ship, or where grog is served out under due superintendence.

Striking work in harbour is an act of disobedience of frequent recurrence; theft also, by plunder in the hold, broaching spirits, and other disorderly conduct, which involve disgrace and insubordination subversive of all duty, are injurious to the interest of owners and Commanders.

Quitting boats without leave, when in communication with the shore.

Exceeding the time permitted them when on shore on liberty.

Going overboard at sea and in harbour without permission, when loss of life may ensue.

Purloining ship's stores, clandestinely getting spirits on board, cutting ropes, stealing canvas when employed in the repair of sails. Here I must note one heavy offence, and I hope a very rare one, as it must ever be the work of diabolical revenge, viz., cutting the strands of a cable, shrouds, or stays, and the laniards of rigging. The general use of chain cables puts a stop to one of these evils; but the other cases have happened and endangered masts by the malice of some villain in dark and blowing weather. For the credit of the seaman's character, I am glad to say but two or three examples of this nature have come within my experience and research.

Beyond this catalogue of mutual grievances there are very frequent and very serious causes which bear with great hardship on the welfare of merchants and owners, and are a source of trouble and extreme annoyance to commanders and officers. Men denominated seamen, who enter as such under the guidance of forged certificates of capability and service, are found on trial to be complete impostors; seamen are more easily recognised by experienced officers; but the evil is of greater consequence when mechanics are guilty of this forgery and deceit, which I have on several voyages suffered by.

In other cases the vigilant inspection of the surgeon is lulled; and men with incurable and loathsome disease are, as I have before remarked, entered upon the ship's books, and become a burthen and a nuisance the whole voyage.

Now, to explain the iniquity and injustice of such frau-

dulent practices, a comparison should be made with similar cases on shore : a labourer or mechanic engages for a length of service, and after a certain time is found unequal to the duties he engaged to perform, through disease or other infirmity ; his master has the power to dismiss him and pay his wages only to the period of his real services, no claim can be substantiated for the term of his original contract. Why then should the sea service be exempt from so equitable a conclusion ? I sincerely hope the code of maritime laws which we confidently expect will be granted, may embrace among others, the cases I have stated. Impostors, through protracted disease, should receive no wages ; and some other check should be devised for the prevention of such an evil. Those who enter a ship for stations they are subsequently found unequal to, should be disrated, their case being first investigated by the commander and his officers, and fully stated in the ship's log.

To review the whole question of naval discipline with that unbiassed judgment which the importance of the subject and the principles of justice demand, it is essentially necessary to examine the system throughout, and expose the errors and grievances which prevail in every branch of the merchant service, with candour and impartiality.

It very frequently happens that ignorance, incapacity, and culpable misconduct are the leading faults, and when once the seaman's mind is imbued with a feeling of contempt for his superior officers, the difficulty of preserving restraint and subordination is extreme, and requires the utmost nerve and vigilance on the part of the commander to sustain even a shew of order and security..

The first appearance of neglect, of disobedience, or of any display of unofficer-like conduct, should be checked by private admonition. If this lenity and forbearance is found to have no good effect, the commander must never be wanting in that respect which is due to his own character and station, but must, in the presence of all under his command, assert his prerogative, and dispense the principles of justice with an even hand, and, as a last resource, he must not scruple to displace that officer, be his station high or low, who presumes to set him, his commander, at defiance, and violate the rules and regulations prescribed under his authority for the well-being of all on board.

~~Delicate~~ as the next question is, it must, however, be examined, with a scorn of flattery and a zeal for truth

Are there not persons entrusted with the command of

ships, lives, and property, unequal to so high a trust, and unworthy such unlimited power;* I trust the number is but small, but I am bound to declare that there are some such persons who rule with an arbitrary power, who are unjust in their conduct, deficient in ability, and who degrade their character and profession by acts of incapacity, drunkenness, and tyranny. Hard is the fate of those who must for a time yield to such evils and misfortunes as prevail on board a ship where such principles are in force.

This state of slavery and oppression admits of no safe remedy or controul during the voyage of a ship from port to port; it is a difficult question, under existing circumstances, even to *argue*, and a dangerous power to assail. Nevertheless, the magnitude of offences which may occur under such unbounded sway, should be provided against. One means of controul will be found beneficial, by the deposit of every ship's log of proceedings throughout her voyage, attested by the signature of the commander and his first and second mates, in the custody of some constituted authority; and as a salutary check and restraint, some efficient board of supervision should be empowered to examine the log-book at any port touched at during the voyage. By this means any outrageous conduct may be detected, grievances will be speedily redressed, and a due state of discipline enforced to the satisfaction of all parties. The following case will illustrate the tender subject I have discussed. Upon a late occasion, when many complaints were made to Vice-admiral Sir John Gore, on his arrival at Bombay harbour, touching harsh usage on the part of those in command of merchant vessels, and insabordination amongst the seamen of those ships, the Admiral summoned the several masters of the vessels in the harbour on board his flag-ship, and interrogated them individually as to their system of discipline. One person declared that club-law was his alternative, that, in fact, he always had a hand-spike at hand, and speedily followed his word of command, if not promptly obeyed, with a blow.

Revolting to every mind must be so brutal a declaration and so tyrannical a system, but a sense of impartial justice

* Although there is not a question that many of the commanders of vessels, going upon long foreign voyages, are well educated and fully competent to the discharge of the duties of their station; yet, it is equally clear that many persons are shipped as mates and inferior officers, who are eventually found wholly incompetent for such station. An examination before an authorized Court, in each principal sea-port, on the principle of that in the Navy, would, doubtless, expose the incompetent, and ready the erring from presumptuous ignorance and fraud.

to all parties demands this notice of the avowal, and if I knew who the person was, I would not scruple to publish his name also. Such conduct casts an odium on the whole profession, and is an evil that can only be effectually remedied by a defined code of laws proclaiming to those in command the power and responsibility devolving upon them, and to every person under command the lawful penalties against each convicted offence : and, at the same time, it be made known to both parties that those laws which provide against crime and disobedience shall not be found wanting against tyranny and oppression.

The high and very important duties which devolve on masters of merchant-vessels require corresponding vigilance and circumspection on the part of those who nominate them to their respective commands. Due attention to those essential points of character which involve the security of life and property, and also the welfare, of many persons who risk their comfort and safety under one controlling power, would materially benefit the merchant service, add greatly to the respectability of the maritime profession, and increase the reputation of the British flag.

Vice-Admiral Sir John Gore has, during his command in the Indian seas, been most indefatigable in his inquiries as to the state of the merchant service. His official reports to the Lords Commissioners of the Admiralty will furnish ample proof of the defective condition of that service as regards its discipline and management. The Admiral received numerous complaints of contempt for all authority on the one hand, of harsh usage, scanty provisions, and those of a bad quality, on the other.

But zealous as have been the endeavours of the Commander-in-Chief of the naval force in India to preserve a better and more cordial feeling between officers and seamen in the merchant service, he found his power curbed, and that in serious and well-grounded causes of complaint on both sides he had no jurisdiction.

Upon another occasion I was present myself, in obedience to the orders of Sir John Gore, with the masters of the several free traders in Bombay harbour, when one of our number complained to the Admiral of the refractory and unruly conduct of the crew, alleging that they *would not* obey his orders. I could not refrain from obtruding my opinions, and advising my brother officer never to submit to such doctrines, as have *cannot* and *will not* in their creed, and told him that even in the present undefined system of the

cantile rule, we should always be justified and fully exonerated by maintaining a just and vigorous state of discipline, and that even punishment of offenders at the gangway might be resorted to according to the usage on board his Majesty's ships, provided that such an alternative was governed by a formal and an impartial inquiry, and could be warranted by the necessity of the case. I appealed to Sir John Gore, who acquiesced in my opinion. The Admiral related several cases of great delinquency, one in particular of a whole ship's company refusing to get their ship under weigh in the river Hooghly. An appeal was made to him; he then consulted Sir Charles Metcalfe, the Vice-President in Council at Calcutta ; they searched for a maritime law on the subject, but found none which could warrant a summary means of enforcing obedience, and the agents and commander of the ship in question thought it prudent to tamper with the crew, and, in fact, to coax a lawless ship's company to do their duty.*

Another instance of this kind occurred while I was at St. Helena last April. Two seamen (English) of the Reform, a Hamburgh vessel, refused to lay into the capstern bars and get the ship under weigh, unless some extravagant demand was instantly yielded to: the commander (an Englishman also) preferred a charge against them to the government, who promptly seized the two men and sent them to prison; the vessel sailed the following day, losing the services of two of the crew, who, after a temporary imprisonment and hard fare, would be conveyed to Europe; their passage and other expenses must be defrayed by the owners of the Reform, which is redress to them with a vengeance, and exposes the inutility of such punishment, and the crying need of reform in all such cases where delays are dangerous, and remedies are not only difficult, but very expensive.

A very simple and easy mode of registering the seamen of the United Kingdom will be available, by the plan I have suggested, of preserving a faithful record of each ship's log, which, by the way, should be delivered to the

* A letter on the state of the merchant service from Sir John Gore will be found in the Appendix, and the opinion of so distinguished an officer will be received with great interest; it carries with it the ablest commentary on the question which I advocate; a higher testimony cannot be afforded than from so meritorious an officer, whose gallant career is blended with the brilliant services of Rodney, Hood, St. Vincent, and Nelson; and his ideas of that state of discipline which ought to prevail, were inculcated under systems which have been well tried, ably practised, and nobly carried into effect, during the most arduous dangers and difficulties which beset the Maryland services of an officer and a seaman.

Maritime Court at the port to which each ship belongs. And now I would submit for serious consideration, the neglected and destitute state of British seamen, on the completion of their services after a long voyage. They are immediately cast adrift, and become the prey of designing crimps, who very speedily relieve this hardy but thoughtless race of all their hard-earned gains, and launch them again to sea to murmur over their short-lived career of folly and dissipation ! This hardship principally arises from a very unwise impolitic system, which gives the labours and duty peculiarly belonging to sailors, to lumpers, and needy landsmen. It requires very little reflection to condemn so pernicious an evil ; seamen are entitled to every preference in the lading and unlading of every vessel. Ship's duties are a seaman's birthright ; besides, it is the bounden duty of government to protect and encourage them, and thereby preserve them in numerical force, and redoubled loyalty and zeal in the service of their king and country. Under the present system, ships are in general shamefully stowed and laden, and it has frequently been requisite to repeat the operation.

One word more in the way of admonition to those gentlemen of the temperance society, who, in the folly of prejudice and excitement, have stopped the sailor's grog. Are they themselves water-drinkers ? or do they really believe that a moderate quantity of grog to a British seaman, who has no other beverage besides tea and slops, no beer-shop or canteen to have access to, can do him any harm, or tend to subvert the discipline of a ship ? All the experience I wish to give such meddling-folks, is a gale of wind from the south-west in Funchal-Bay, with two anchors a-head, and the only chance of safety from wreck, beyond anchors and cables, resting on zeal, energy, and prompt obedience ; which a wholesome allowance of grog would tend to stimulate, when slops and water would not. Now such a gale, in precisely such a situation, the Victory rode out last night, with incessant rain and a heavy head-sea ; my brave fellows did their duty and had three drams of rum each during the twenty-four hours. This is practice ~~excess~~ theory ! Did a glass of grog disparage the courage or discipline of our gallant tars who conquered on the 1st. of June, off Cape St. Vincent, Camperdown, the Nile, at Copenhagen, and at Trafalgar ? Or has their dauntless zeal been shaken in every peril incident to their profession, by sharing in common with the frailties of mankind, a liking toardent

spirits? No, decidedly not, any evils which have arisen from the abuse of grog, attach to those who have been found wanting in establishing a given set of rules and regulations to check and control drunkenness, which rarely happens in a well disciplined ship, or where a system of serving out and superintending the allowance of grog is strictly attended to. I am astonished to find that some naval men have advocated the abrogation of a practice which has done well, and they ought to know that the best policy is to leave well alone.*

Subjoined are the suggestions which I venture to offer in aid of the formation of a Maritime Code of Laws for the Government of the Merchant Service, and also the Rules and Regulations, which, under the present imperfect and undefined system, I have issued for the maintenance of order and discipline on board the Victory.

Every officer in a merchant vessel to be obliged to serve a certain number of years, and undergo an examination proportioned to his rank, before he is appointed to each particular rank of mate or captain. Such examination to take place before a competent tribunal in each principal seaport, and to extend over all the requisites for an able navigator and commander.†

Every Master of a merchant vessel should be vested, when at sea, with the power of a magistrate, and enjoy the same indemnities.

A log-book shall be kept on board every merchant vessel, bearing a faithful record of all occurrences, and attested by the daily signature of the master and the chief and second mates, a correct copy of which shall be delivered to some responsible office, and there registered, on the return of the vessel from her voyage; which log shall contain a correct list of every person serving on board, as well as all and every transaction throughout the voyage, and be legal evidence against and for all parties in all courts.

Divine service shall be performed on board every ship or vessel on Sabbath-days; the master shall be liable to a penalty for the omission of this sacred duty, unless any cause for such neglect is duly entered in the log-book.

A general system of victualling the merchant service shall be established. I have suggested a scale, which will be found in the Appendix.

Every ship or vessel shall be provided with an ample

* An interesting correspondence on this subject will be found in the Appendix.

† The Maritime Courts would be a competent authority for such an investigation.

store of provisions and water, according to the scale laid down for the merchant service, and such provisions shall be warranted good.

Such petty offences as may be controlled by the forfeiture of any portion of a seaman's wages shall be impartially inquired into, and noted in the ship's log.

Every offence requiring a summary and an exemplary punishment shall be strictly and impartially investigated by a court composed of the master and his principal officers. No punishment shall take place until a night has intervened between the inquiry and punishment, and the whole case is to be made known to the ship's company, in whose presence the punishment is to be inflicted, and these proceedings are to be fully entered in the ship's log.

Corporal punishment is only to be resorted to when all other means have failed to compel obedience and enforce the necessary duties and discipline of the ship.

Cases of mutiny must be subdued by prompt and vigorous means; much will depend, in such emergencies, on the firm and resolute conduct of the master and his officers, who must ever bear in mind that "lenity at first is severity at last," and that in moments of extreme danger, whether by mutiny or disaffection, on them and their responsibility may depend the safety of the ship, and all those embarked under their safeguard and protection. .

MARITIME COURTS* at all the principal ports of Great Britain and her Colonies are absolutely required, and should be empowered to render prompt and effectual redress, both according to law and justice, for all such offences as militate against the discipline and good order of the merchant service, and which may have engendered a spirit of revolt and discontent while at sea or in harbour. The magistrate presiding over each of these Courts should be empowered to summon the several masters and mates of merchant vessels to aid him where requisite in the adjustment of every difference with their professional judgment and experience.

The evils which constantly arise from the want of such a summary mode of jurisdiction, are of a very serious and aggravating nature, leading in many cases to the detention of ships or the entire escape of the offenders.

* The appointment of Maritime Courts may be objected to on the score of expense, but where is there a ship-owner who will not cheerfully bear some portion of such a burthen for the great and decided advantage which must result from so beneficial a tribunal, which cannot fail to avert those serious losses and perplexing evils that have long followed a tardy and uncertain flow of justice and redress?

Rules and Regulations to be observed on board the Victory.

THE DAY.

1st. Every other duty is to give way to making and shortening sail and trimming sails, whereby all possible advantage may be taken to forward the progress of the ship.

2d. Every rope is to be clear, and none are to be towing overboard.

3d. Every possible attention is to be given to the cleanliness of the decks above and below, the ship's company's berths are to be visited every day after breakfast, and to be kept clean and dry; this duty is to be superintended by the second mate, and always reported to the chief mate.

4th. The hold duty to be under the direct control of the second mate, and is never to be open without the presence of an officer and a midshipman.

5th. Spirits are never to be broached without my knowledge, and are always to be hoisted upon deck.

6th. The magazine is not to be opened without my sanction; the key is to be kept by the chief mate.

7th. No lights will be permitted in the hold. Fires to be put out at five P. M.

8th. The boatswain and carpenter are to go aloft occasionally, and their mates every morning watch, to ascertain the state of the rigging, spars, &c.

9th. Water is to be served out in the morning watch by the third mate, a midshipman, the steward, and cooper; a daily account to be kept, and the weekly expenditure is to be reported to me every Sunday, and duly entered in the log-book.

10th. The people are to have their meals punctually, unless prevented by change of wind and weather. Breakfast at eight, dinner at one, and tea at five.

11th. Friday will always be a washing day from half-past eight till eleven, A. M. Clothes lines are to be always in use and no clothes are to be hung about the bowsprit or in the rigging.

12th. Hammocks are to be piped down at sun-set attended by every midshipman, who are each to have a watch list and a hammock list.

13th. A topman is to look well round from the mast-head for ten minutes every hour throughout day-light, and always at day-break and sun-set, and to make his report to the officer of the watch.

14th. Two officers and two-thirds of the young gentlemen are to take the meridian altitude, and the same number of young gentlemen are to attend their nautical studies from ten, A. M., to one, P. M., daily in the cuddy, the remaining one-third are to attend to the hold and other duties; they are never to quit the deck without being relieved; the officer of the watch is desired to take every opportunity of teaching those young gentlemen their duty with firmness and moderation; zeal and promptitude will always ensure them my favour and protection, and these qualifications will best be evinced by *obedience*, which constitutes the first principles of naval discipline.

15th. The ship's company are never to be abused or ill used. No man or boy shall be struck or punished in any way, but all complaints are to be quietly made known to me through the chief mate. No man's grog to be stopped without my sanction.

16th. The helmsmen are to take their duty in clean clothes.

17th. The men's births are to be fumigated once a week, every possible care and attention is always to be afforded to the sick, and as cleanliness and ventilation are so essential to the preservation of health, these points of duty must be strictly adhered to.

18th. The ship's company are not to be exposed to the sun, or rain in a needless, or a heedless manner; sickness has frequently been caused on board ship through negligence and indifference to such preventive measures. I therefore urge every consideration and attention to these duties.

19th. Every officer is to keep a copy of these rules and regulations and affix his signature to them. Exemplary conduct on their part, and a faithful discharge of the duties which these orders strictly enjoin, cannot fail to have a beneficial effect throughout the ship, tending to promote that essential order conducive to the discipline, comfort, and happiness of all on board the Victory, which it will ever be my anxious endeavour to promote, when, as I hope and trust, will be the case throughout the voyage, "every man will do his duty."

THE NIGHT.

1st. The first duty of an officer on watch is to muster the watch upon the quarter-deck, and to station the men to the best possible advantage.

2d. A look-out is constantly to be kept from the weather cat-head. All's well! is to be called every half hour.

3d. Any change of wind, and any deviation from the given course, are to be reported to me immediately.

4th. The officer of the watch is required to go round the deck himself occasionally throughout his watch, and is always to pay attention to the course, and to keep the sails trimmed, taking every advantage of the wind and weather, and carrying all possible sail. Besides the look-out on the forecastle, the junior officer is to be constantly on the alert, and a midshipman is always to be walking the quarter-deck.

5th. The captain's bell is always to be answered by the officer of the watch in person after ten, p. m.

6th. The well is to be sounded every two hours, and not to exceed fifteen inches, and the log-board it to be marked every two hours.

7th. The ship's company's lights are to be put out at nine, p. m.; this duty is to be attended to by the third mate and reported to me. Naked lights are not allowed anywhere.

8th. Any vessel being seen, or any report of land, lights, &c., to be immediately made known to me.

9th. The hammocks are to be piped up at seven bells, and breakfast is to be piped at eight.

N. B.—The officer of the watch is not only to keep the sails well trimmed, but they are always to be *well set*; making and shortening sail should be performed as if all eyes were upon the duty on hand.* A slovenly and negligent performance of duty is unofficer-like and inexcusable.

CHRISTOPHER BIDEN,
Commander.

Victory at Sea, Dec. 13th, 1834.

* When I was a junior officer of the H. C. S. Royal George, in 1807, we fell in with Sir Edward Pellew's squadron; the Admiral sent the Victor sloop of war to speak us. Her Captain said, he was desired by the Admiral to observe, that "if our main top mast stay sail had not been left in the brails, he should have taken the Royal George for a Frigate."

This well deserved, but most mortifying rebuke, has left a lasting impression on my mind. In all other respects our gallant ship displayed high order and warlike appearance, which had upon several occasions elicited the most unqualified praise from very distinguished officers in the Navy; indeed, I well remember her being taken for a Frigate at sea and in harbour, (having served on board the Royal George for seven successive voyages,) and yet when in the presence of so skilful and so discerning an officer as the late gallant Lord Exmouth, we were betrayed by a neglect of the standing orders issued on board that ship howe make and shorten sail; and our pride was humbled chiefly through the negligence and inattention of the junior officers—Falling in with ships at sea always has a stimulating impulse on the mind of a zealous officer, either as regards the mutual effort to gain superiority by sailing or by trimming of sails, and I have always been of opinion that a sailor, fond and proud of

"As the care of our national commerce redounds more to the riches and prosperity of the public, than any other act of government, the state of it should be marked out in every particular reign with greater distinction."—*Addison.*

Having now given this important subject the utmost consideration, which deep reflection, practical knowledge, and my humble efforts can devise, I feel that I have done my duty; and I commit the charge to far more able hands, in the ardent hope that a **LEGISLATIVE ENACTMENT** will soon effectually remove all grievances, and relieve those who have hitherto sustained the heavy charge and responsibility attending the execution of an arduous duty, involving the safety of ship, lives, and property, and the welfare of all persons under their care and protection, from a degree of anxiety and fatigue which none but those who have practically experienced can adequately appreciate.

I cannot close this undertaking without earnestly imploring those on whom the important duty will devolve of amending and consolidating the laws relating to the merchant seamen of the United Empire, to keep in mind that the very supremacy of our far-famed and dauntless navy is involved in the result of their labours, and that a system of jurisdiction, tending to relax the reins of discipline with one branch of the maritime profession, however humble in rank, will operate with a baneful influence on the other. Whereas, if we maintain the tie of obedience and respect towards the one class, we shall most assuredly add to the naval character of British seamen in both, and by that happy union of discipline and valour bid defiance to every foe, yield comfort and security to ourselves, uphold the character of our country, and inspire a spirit of determined loyalty and attachment to our King and Constitution, which I fervently pray the Sovereign Commander of the Universe will ever guard and protect!

DISCIPLINE, is in one brief word comprised,
Obedience: no other mode can be devised.

his profession, was incited to cherish those feelings when sailing in a fleet, whether the management of the several ships around his own displayed good or bad order, he could not fail to imbibe those correct notions resulting from the grand display made by a few crack ships ever fit and always ready to chase, to tow, or to assist another in distress, presenting under every point of view a high example of *ship shape* order through discipline and efficiency, always in their station, and prompt in obedience to every signal, by night and by day. Such a cheering display was frequently the theme of admiration during the war, when the splendid Fleets of the Honorable East India Company sailed under convoy. Through such an ordeal of professional services I passed my early career, and now remember those inciting scenes with pleasure and satisfaction, and cling to the recollection of them with all the pride of a sailor who loves his profession.

A P P E N D I X.

THE indefinite mode of victualling throughout the merchant service has long afforded just and reasonable grounds for complaint among seamen; and has, in frequent instances, led to discontent and insubordination. It is therefore obvious, that a measure of so much importance should not be dependant on the will or caprice of individual ship-owners; but ought to be governed by a system of national rule and regulation. The following schemes, exhibit the usage in His Majesty's Service, and a mode of provision that I suggest for the Mercantile Marine, which I hope will be considered both equitable and expedient.

VICTUALLING REGULATIONS.

"Admiralty Office, July 1, 1824.

"The King having been pleased, by his order in council of the 23d June, to establish a new and improved scale for victualling His Majesty's Navy, a copy thereof is subjoined.

"There shall be allowed to every person serving in His Majesty's ships, the following daily quantities of provisions, viz.—

Bread.....	One pound.
Beer	One gallon.
Cocoa	One ounce.
Sugar	One and half ounce.
Fresh meat	One pound.
Vegetables.....	Half pound.
Tea	Quarter of an ounce.

"When fresh meat and vegetables are not issued, there shall be allowed in lieu thereof—

Salt beef.....	1 lb.	{
and		
Flour	1 lb.	{
Salt pork.....	1 lb.	
and		
Pease.....	1 pint.	

" And weekly, whether fresh or salt meat is issued—oatmeal, half pint ; vinegar, half pint.

" On the days on which the flour is ordered to be issued, suet and raisins, or currants, may be substituted for a portion of flour, at the following rate:—

One pound of raisins { being considered equal to one
 } pound of flour.

Half pound of currants } ditto ditto
Half pound of suet..... }

" In case it should be found necessary to alter any of the above species of provisions, and to issue others as their substitutes, it is to be observed that

$\frac{1}{4}$ lb. of soft bread, or } is to be considered equal to
1 lb. of rice, or } 1 lb. of biscuit.
1 lb. of flour.. }

1 pint of wine, or } is to be considered equal to
 $\frac{1}{2}$ pint of spirits } a gallon of beer.

1 oz. of coffee, or } is to be considered equal to
 $\frac{1}{2}$ oz. of tea } 1 oz. of cocoa.

1 lb. of rice, or } is to be considered equal to
1 pint of calavances, or } 1 pint of pease.
1 pint of dholl..... }

1 lb. of butter..... } is to be considered equal to
 } 1 lb. of sugar.

2 lbs. of cheese } are to be considered equal to
 } 1 lb. of cocoa.

$\frac{1}{2}$ lb. of onions, or of leeks, is to be considered equal to 1 lb. of other vegetables.

" Flag officers, captains, and other commanding officers, will observe in the above scale, and will fully explain to the ships' companies under their orders, the advantages of this new system, viz., that what were called banyan days are abolished ; that meat, with vegetables, flour, or pease, is to be issued every day; that flour, instead of being exchanged for a portion of beef, will now become an article of the men's regular allowance ; and that a quantity of tea or coffee, sufficient to make a pint of liquid, will be issued every evening.

" It will be observed that in the table of substitutes, that the quantity of spirits to be issued in lieu of beer or wine is diminished one half ; but, in addition to the pint of tea or coffee allowed in part compensation for this diminution of spirits, His Majesty has been graciously pleased, in further and full compensation, to add two shillings per month to the pay of such warrant officers as do not rank with lieutenants, and of each petty and non-commissioned officer,

seaman, marine, and boy. As the diminution of spirits only takes place when beer and wine are not issued, while the addition of tea or coffee and the increased pay are permanent, it will be obvious how much this regulation is to the pecuniary advantage and comfort of the ships' companies, while it is confidently expected that the diminution in the article of spirits will conduce to the health of the people, and the good order and discipline of the ships.

" In addition to these advantages, it is intended that a certain portion of the pay which may be due to each warrant and petty officer (not allowed to draw bills), and to each non-commissioned officer, seaman, marine, and boy, who may be desirous of receiving it, shall be issued to them when in any port abroad or at home, at the expiration of every one, two, or three months, as the captain may judge expedient, by way of pocket money viz., four shillings per month to warrant, petty, and non-commissioned officers, seamen and marines, and two shillings to each boy: but as the carrying this arrangement into full effect will require the sanction of the legislature, it is intended to submit a bill to parliament, early in the next session, to authorize it; and in the mean while, in order to carry the same principle into effect as far as is at present practicable, the additional two shillings, now added to the pay as compensation for part of the spirits, will be paid to the before-mentioned classes, in the same way that short allowance money is now paid.

" The Lords Commissioners of the Admiralty, in communicating to the Fleet the gracious and beneficent intentions of the King, are satisfied that they will be received by the officers and men as additional marks of His Majesty's favour, and as real and substantial improvements to the condition of the petty and non-commissioned officers and men.

" By command of their Lordships,
" J. W. CROKER."

A general Scale for Victualling the Merchant Service.

DAILY ALLOWANCE PER MAN.

Fresh Meat	One pound and a quarter.
Potatoes or Yams.....	One pound.
Biscuit	One pound.

Beer is generally allowed in an English port, without any stated allowance;

Rum, or other Spirits is a substitute } Quarter of a pint.
for Beer.....

and the daily allowance is diluted into a pint of grog; extra grog in harbour or during bad weather at sea, is a discretionary indulgence.

Flour.....	Half a pound.
Pease, made into one pint of Soup.....	Half a pint.
Vinegar.....	Quarter of a pint per week.
Mustard.....	Quarter of an oz.
Lime Juice	Quarter of a pint per week.

I have generally given my crew a pint of punch in lieu of their grog on Sundays.

Cocoa.....	One oz. for breakfast.
Tea.	Quarter of an oz. for tea or supper.
Sugar	One oz. and a half.
Salt Beef	One pound and a quarter.
Salt Pork	One pound.
Suet	One oz.
Raisins	One oz.
Water.	Six pints, including tea, cocoa, soup and grog.

N. B.—It is not customary to issue both suet and raisins on the same day; but the former is indispensable with flour, and the latter may be served out occasionally as an indulgence, or in lieu of some other portion of a daily allowance,

The arrangement may be as follows,

Sunday.....	Beef, Flour, and Suet.
Monday.	Pork and Pease Soup.
Tuesday	Do. do.
Wednesday	Beef, Flour, and Suet.
Thursday.....	Do. do. do.
Friday.....	Pork and Pease.
Saturday	Do. do.

When a sufficient quantity of potatoes or yams can be provided, they will afford a substitute for flour or pease, which will of course depend on judicious care and management.

It will be observed that this scale is even more liberal than that allotted to seamen in the navy; but it is necessary to bear in mind, that merchant seamen are much fewer in number as composing a ship's crew, and may require more sustenance, having more work and harder duties to perform. A due store of medical comforts is also an essential provision whether a Surgeon is attached to the ship or not.

I cannot quit this portion of the work I have undertaken, without in the first place disclaiming every pretension on my part to any merit which may be due to the suggestion of a Victualling Bill for the Merchant service. Such a system as I have herewith proposed, has been followed up for a length of time by a large portion of that service, to the credit and satisfaction of those who planned and have carried into effect so just and equitable a scale of amendment.

Every friend to seamen, every friend to the welfare and

prosperity of his country, and especially every lover of justice and humanity, will rejoice in the total abolition of a bygone system of confirmed neglect and error which may have been practised under the influence of habit, custom, and *economy*, without due consideration as to ulterior consequences.—They will exult at this triumph over prejudice and folly, and their example will induce a voluntary support to a just and liberal scale for victualling the whole Mercantile Marine of the United Empire, and urge the sanction thereof by a legislative enactment.

Health and contentment are among the beneficial results of this improved system, and when we contemplate the present healthy state of the navy, and that portion of the merchant service which is preserved under the same wholesome regulations, and contrast the present with the past,* no further argument need be adduced in favour of this practice being recognized as a general and imperative order.

Where old customs are still adhered to, and a scanty allowance of provisions is still served out with as little regard to quality as to quantity, discontent and ill will ensue, and these symptoms of disaffection speedily engender a spirit of insubordination. A faulty system is very prevalent to this day on board some merchant vessels, especially those which convey to America and New Holland those numerous hapless emigrants, who embark on board ships subject to no control or organized system of equipment or efficiency. The case of the ship Brutus, which will be seen hereafter, is a melancholy instance of disease and misery on board that class of vessels.

Within the time of my own service and experience a very reduced scale of victualling, as compared to that I have laid down, was in force; there were two Banyan days a week, when no meat was issued; for a length of time neither cocoa nor tea were provided for seamen, and these salutary meals were dependent on the sailors' own resources; and yet a seaman is almost as fond of his tea as his grog.

The promulgation of a well defined, and, a liberal scale of allowances, which shall proclaim to the merchant seaman his undoubted right, will tend materially to bind his attachment, and as it surely will allay one symptom of discontent, and do away with a known grievance, so will this mea-

* In May, 1781, when Lord Rodney's fleet arrived at Barbadoes, the number of sick, chiefly from scurvy, was 1600; and Sir Richard Hawkins has related that in 20 years he had known 10,000 men perish by the scurvy, and now this terrible scourge to seamen is of rare occurrence, and is nearly eradicated.

sure most assuredly cherish the principles of naval discipline, and yield on all sides a full conviction that justice is portioned with an even hand, on those humane and generous principles, which shall dispense comforts and indulgences to a meritorious class of men, who are deserving of every encouragement that can incite them to love their country, and always do their duty with zeal, celerity, and cheerfulness.

"Oh then, protect the hardy tar,
Be mindful of his merit;
And when again you're plunged in war,
He'll shew his daring spirit!"

Naval Punishments in olden Time.

THE system of naval punishment for minor offences appears at all times to have rested very much upon the discretion of the commander. The most usual modes of correction at sea during the greater part of the seventeenth century seem to have been the capstan, the bilboes, and ducking: as these punishments have been abrogated by the improvements of modern discipline, it is worth while, as an antiquarian curiosity, to select from the " Dialogicall Discourse of Marine Affairs," the following account of these various punishments.

" The capstan.—A capstan-bar being thrust through the hole of the barrell, the offenders armes are extended to the full length, and soe made faste untoe the barr crowise, having sometimes a busket of bullets, or some other the like weight, hanging about his neck, in which posture he continues until he be made either to confess some plotte or cryme whereof he is pregnantlie suspected, or that he have receiv'd such condigne sufferings, as he is sentensed to undergo by command of the captaine."—" The punishment of the bilboes is, when a delinquent is put in irons, or in a kind of stocks used for that purpose, the which is more or less heavy and pinching, as the qualitie of the offence is proved against the delinquent. The ducking at the mayne yard arm is, when a malefactor by having a rope fastened under his armes and about his middle and under his breastche, is thus hoysed upp to the end of the yard; from whence he is againe vyolentlie lett fall intoe the sea, sometimes tuyse, sometimes three several tymes one after another; and if the offence be very fowle, he is also drawn under the very keele of the shippe, the which is termed keelhaling; and whilst he is thus under water a great gunn is given fire

righte over his head ; the which is done as well to astonishe him the more with the thunder thereof, which much troubleth him, as to give warning unto all others to look out, and to beware by his harmes."*

We are induced to quote some passages relative to their heavier inflictions of the old discipline. "The executions and capital punishments I find to be thus in Queenes Elizabets tyme aborde her own shippes. If any one man killed another he was to be bound to the dead mann and soe thrown intoe the sea. If any one drew a weapon wherewith to stryke his captaine, he was to loose his righte hande. If any one pilfered or stole awaye anye goods or monies from anye of his fellowes he was to be thryse ducked att the bolt spite, and then to be dragged at the bote sterne and sett on shore upon the next land with a lofe of bread and a cann of beere. If any one practysed to steal awaye anye of her Majesty's shippes, the captaine was to cause him to be hanged by the heels untill his braines were beateu out against the shypes sides, and then to be cutt down and let fall into the sea. If any one slept in his watch, for the first time he was to be headed with a bucket of water ; for the second time he was to be haled upp by the wrists, and to have two buckets of water poured into his sleeves ; for the third time he was to be bound to the mayne mast with plates of iron, and to have some gun chambers or a basket of bullets tied to his armes, and so to remain at the pleasure of the captaine ; for the fourth time, he was to be hanged to the bolt sprite, with a cann of beer and a biscott of breading and a sharpe knife, and so to hange and chuse whether he would cutt himself down and fall intoe the sea, or hange still and starve. If an one mariner or soldier stole awaye from the Majesty's service without license of his captaine, hee was to be hanged. If any one did mutinye about his allowde proportion of victuals, he was to be layde in the bilboes during the captaines pleasure. As for all pettie pillferings and commissions of that kind, those were generally punished with the whippe, the offender beinge to that purpose bounde faste to the capstan, and the waggarie and idleness of shyppe boys paid by the boatswain with a rodde, and commonlie this execution is done upon the Monday morninges and is soe frequently in use that some mere seamen

* Until within some 50 or 60 years, this unseemly and barbarous punishment, better known under the denomination of keel-hawling, was in force, especially in the Dutch navy. Flogging round the Fleet and washing the lacerated back of a seaman, after the pain of punishment, are abolished with other modes of undue security, heartless and unmanly in operation, and inexpedient in practice.

and saylers doe believe in good earnest that they shall never have a fair winde until the poore boys be duelye brought to the chest ; that is, whipped every Monday morning."

CAPTAIN NELSON AND HIS ROYAL HIGHNESS THE DUKE OF CLARENCE.

Lord Nelson's temperate and judicious mode of enforcing discipline will be duly appreciated by the firm yet mild measures he adopted with reference to an officer who had incurred the displeasure of his illustrious Captain, as hereafter stated.

It was that distinguished and discerning officer, Lord Hood, who first discovered the rising talent and intuitive genius of Nelson, to which he gave full scope, when under his command in the Mediterranean. How well the hopes to which the early dawn of merit gave so sure a pledge, were redeemed, are recorded in the most glowing pages of Naval History through a series of Nelson's transcendent glory, the matchless exploits which graced his skill to plan, and his enterprize to dare, until the supremacy of the British flag triumphed over every foe, and Victory entwined the laurel and cypress wreath on the brow of England's greatest naval Hero.

Nelson to Captain Locker :—

" H. M. S. Boreas, Dec. 29th, 1786.

" You must have heard, long before this reaches you, that Prince William is under my command ; I shall endeavour to take care that he is not a loser by that circumstance ; he has his foibles as well as private men, but they are far overbalanced by his virtues. In his professional line he is superior to near two-thirds, I am sure, of the list, and in attention to orders and respect to his superior officer, I hardly know his equal ; this is what I have found him."

" Feb. 1787. I am here with the Pegasus and Solebay. His Royal Highness keeps up strick discipline in his ship (Pegasus), and, without paying him any compliment, she is one of the first ordered ships I have seen. He has had more plague with his officers than enough. I have been obliged to put his first lieutenant under arrest, as he had written for a Court-Martial on himself to vindicate his conduct, because his captain thought proper to reprimand

him in his order-book ; in short, our service has been so much relaxed during the war, that it will cost many a Court-Martial to bring it up again.

" The following is an extract of my letter to the lieutenant :—'I beg leave to assure you that I never was more hurt, than that an officer whom I so much respected should do so improper an act as to deprive His Majesty of the exertion of one of his servants at a time they are so much wanted. My orders to the squadron were issued to prevent other officers from falling into the same snare. I have no charge against you, nor can any other person have one until the Court-Martial, which you have desired to be held to investigate your conduct, is over ; and then I can tell you I have no charge whatsoever against you. Your confinement is your own ; and had you not written to me for a Court-Martial, I dare say you never would have given me occasion to put you under arrest. Had I not ordered you into arrest, you might then have blamed me for having left you again to be unjustly accused, as set forth in your letter.' "

In the month of May, 1787, His Royal Highness Prince William Henry sailed from Grenada, and arrived at Jamaica on the 31st, where the broad pendant of Commodore Alan Gardner was flying ; His Royal Highness brought a private letter from his commander (Nelson) to the Commodore. The following is an extract :—

" Boreas, Nevis, May 13th. 1787.

" My dear sir,—In a public letter a commander would be wrong to set forth all the reasons which influence his conduct, but as I hope to have your approbation, I take the liberty of mentioning a few circumstances. His Royal Highness will give you an account of Lieutenant _____'s conduct, and of his having put him into arrest, His Royal Highness's narrative is so explicit, that I cannot inform you so fully as that will. I am sure, sir, you will consider His Royal Highness stands in a very different situation to any other captain ; his conduct will be canvassed by the world when ours would never be thought of. In order to show my disapprobation of officers writing for Courts-Martial to vindicate their conduct for trivial matters, I gave out the enclosed order that others should not fall into the same error ; it might soon have risen to such a height, that if a topsail were not thought by the captain briskly or properly reefed, or some other trivial matter, and he reprimands, the officer would say, 'Sir, I think it properly done,

and I shall write for a Court-Martial to vindicate my conduct from your unjust accusation.' If this was to be allowed, farewell discipline ! the service is ruined. His Majesty may be deprived of the service of his officers, and the best schemes may be frustrated by the malignity of individuals, or from pique against their commanders."

The dignity with which Captain Nelson supported the character of senior officer on the Leeward Island Station, under many circumstances, new and unprecedented, will be long remembered by all who had the honour to serve under him during that period ; for no commander ever studied to make the station agreeable to all classes of officers and men more than he did.

On the 27th of July, he had sent the following admirable letter to Prince William Henry, respecting the lieutenant who had offended His Royal Highness, a letter that does equal honour to the heart of Nelson and of his illustrious friend :

" Portsmouth, July 27th, 1787.

" If to be truly great is to be truly good, as we are taught to believe, it never was more strongly verified than in your Royal Highness in the instance of Mr. _____. You have supported, sir, your character ; yet, at the same time, by an amiable condescension, have saved an officer from appearing before a Court-Martial, which ever must hurt him. Resentment I know your Royal Highness never had, nor, I am certain, ever will bear any one. It is a passion incompatible with the principles of a man of honour. Mr. _____ was certainly too hasty in writing his letter ; but now you are parted, pardon me, my Prince, when I presume to recommend that he may stand in your royal favour, as if he had never sailed with you, and that at some future day you will serve him. There only wants this to place your conduct in the highest point of view. None of us are without failings ; his was being rather too hasty ; but that, put in comparison with his being a good officer, will not, I am bold to say, be taken in the scale against him."

POWER AND AUTHORITY OF MASTERS IN THE MERCHANT SERVICE AS VESTED IN THEM BY LAW.

The following opinions delivered from the Bench are of so much importance, and so fully justify the ideas which I have always entertained upon the subject, that I cannot refrain from giving them further publicity.

Mutiny, H. C. S. Scaleby Castle.

" Revenge may have her own :
Roused discipline aloud proclaims their cause,
And injured navies urge their broken laws
Pursue we on his track the mutineer,
Whom distant vengeance had not taught to fear."—BYRON.

COURT OF EXCHEQUER.

LAMB v. BURNETT.*

Wednesday, 19th January, 1831.

Mr. Richards having moved for a new trial, and Mr. Baron Bailey having read his report of the trial, the judgment of the Court was delivered as follows:—

Lord Lyndhurst.—It does not appear to me that there is any ground whatever to object to the direction of the learned Judge. As to the facts, the first question is as to the conduct of Cronan. It is perfectly clear upon the evidence, (putting what passed before the Court of Inquiry out of the question,) that Cronan had misconducted himself; —he had taken a part in the riotous proceedings of the 19th; and he had stated to Mr. Pilcher, the officer, that he would not obey any commands issued by him till the captain came on board. It appears, that in consequence of this conduct, on the 19th, the captain was sent for, and he came on board three days afterwards, and immediately upon his arrival on board, that proceeding took place that has given rise to this action. He directed Cronan to be flogged, and, I apprehend, for the purpose of enforcing obedience in the ship's crew. The captain has authority to order any of the crew who misconduct themselves, to be moderately and properly corrected. It also appears to me, in this case, that no objection can be made as to the interval that elapsed between the time when the offence was committed by Cronan, and the period when the punishment was inflicted by order of the captain. The moment he arrived on board he directed the punishment to be inflicted.

The next question is this, What is the conduct of Lamb? Lamb appears to have been at the head of those persons who opposed the infliction of punishment on Cronan, and no one reading this evidence but must be satisfied that the conduct of these parties upon the 23d and 24th was extremely objectionable and mutinous. Under such circumstances, it appears to me that the captain was justified in

* of short hand-writer's notes of the judgment of the Court, on the 19th
1831.

authorizing and directing punishment to be inflicted upon Lamb. There is no question upon this record, and no question can be raised as to the extent of such punishment. Under such circumstances, it appears to me that the Jury were perfectly right in the verdict they pronounced.

It does not appear to me there is any objection upon this record—the language of the plea is this—“That the plaintiff behaved in a riotous and mutinous and disorderly manner, and then and there refused to obey, and permit to be obeyed by the other sailors on board the ship, the lawful and necessary commands of the defendant, and resisted the defendant in the performance of his duty.” There can be no objection upon that statement upon the record; and if one of the crew does refuse to obey the lawful commands of the master of a vessel, the master is justified in inflicting such punishment upon him as may be necessary to restrain such conduct.

I think, therefore, as to the record, as well as what took place upon the trial, there is no ground, therefore, to object to any part of the proceedings.

Mr. Baron Garrow.—My Lord Lyndhurst has stated this case with so much perspicuity, that I should find it difficult to discover an apology for occupying the time of the Court more than a few moments.

I entirely concur in the opinion that has been expressed, and I think the persons most interested in this decision, and in the decision being made promptly without any delay, which might suggest the idea that there was some doubt upon the subject, are the almost countless number of thousands of men employed as sailors in navigating the commercial vessels of this great country; for nothing can be more dreadful, than that they should leave this country upon a foreign voyage under the impression that it is for them, and not for responsible officers, to decide how the discipline of the ship is to be carried on, and where a certain portion have engaged in mutinous conduct that renders it impossible that the duty of the ship can be carried on, that the remainder are to erect themselves into a Court of Appeal and determine against their officers, who are acting under the highest responsibility. The law is open to the meanest man on board, if the captain or any one of the officers conduct himself with cruelty or passion or intemperance in administering the discipline of the ship, and the lives of many valuable men would be at stake and sacrificed if any Court or Judge could entertain a doubt upon the point.

think nobody who has attended to the report made by my learned brother Bailey, the result of a laborious inquiry before him and a special jury, can doubt that for one day or for one hour submission to orders could not have been expected if the captain and his officers had conducted themselves with less promptitude, and less resolution, and less firmness than they did in carrying this punishment into execution.

I am most clearly and decidedly of opinion, without the least doubt or hesitation, that the verdict is right, and that we should be doing incalculable mischief if we were to disturb it.

Mr. Baron Vaughan.—I am of the same opinion. If any reasonable doubt could have been entertained on the subject, I should be the first that would wish to put it in a train for further inquiry. The principle is most wide in extent, and it is most important that the public should be in no doubt as to the rights of the parties. I was anxious to hear the report read, in order that I might be the better able to form a correct opinion.

This is an application to the sound discretion of the Court, and the ground upon which the application for a new trial is founded, is, that it is a verdict against evidence. When that point shall be disposed of, it has been intimated by the counsel for the plaintiff, that another question arises, whether in point of law, admitting the facts to be true, they would amount to a justification. That appears to me to be novel, and in the nature of an experiment, because these pleas have been put upon the record as long as I have been acquainted with the profession, and it never occurred to any body by way of demurrer to raise the question whether the facts proved amounted to a justification; and therefore it comes round to the question, whether under the circumstances proved this verdict ought to be reviewed.

It appears to me that the case was left with every possible advantage to the plaintiff. There is no possible ground of complaint that full justice has not been done him in the mode in which the question was shaped and presented to the jury.

Then, what is the question? This is an application to the sound discretion of the court to review this case as a verdict against evidence. It is stated to have been left to the judge who tried the cause as two questions for the consideration of the jury, first, whether Cronan was guilty of the offence imputed to him, and, secondly, whether the plaintiff

was or was not guilty of riotous and disorderly conduct. It is admitted by the learned counsel for the plaintiff, that the evidence was too strong, and that he has a difficulty in saying that there was not enough to satisfy the minds of the jury that the crew was in a mutinous state; but he endeavours to raise the question, whether under the circumstances in which the captain was placed he could justify this assault.

It was suggested that this case differed very much from the ordinary case; that this ship was within two miles of the shore; that the captain had the assistance of other vessels near him, and that there was no necessity for the exercise of this power. It is new to me to hear, that the authority of the captain is to ev and and to contract, according to the distance he is from the shore. If he is on board a ship exercising the authority of a captain, and the crew is mutinous, it is most vital that this power should be exercised, as far as moderate correction extends, and if there was any excess upon this occasion, that is not put in issue upon this record; we are bound to assume, that the defendant stands in the relation of captain, and that the plaintiff stands in the relation of mariner; that as a mariner he conducted himself in a riotous manner, and that under those circumstances, a moderate castigation was inflicted. I should be sorry it should go forth for a moment upon these facts being ascertained, that any doubt could be entertained as to the propriety of the conduct of the captain in this respect.

Mr. Baron Bailey.—If I thought any doubt could be entertained as to the propriety of the verdict, I should be the last person to wish that further inquiry should not be made, but having considered the case a great deal since the trial, I have a perfect conviction in my own mind, that the verdict was right; and I think we might be creating great prejudice to the service in general, if we granted this rule. Generally speaking, if there were any ground, if there were any scintilla of ground of doubt, I should be particularly anxious in the case of men standing in the situation of ordinary seamen, that their rights should not be hastily decided; and if there were any reasonable doubts, that they should be carefully discussed and canvassed; but in this case, it appears to me, there is no reasonable degree of doubt.

It is suggested, that this transaction did not take place at sea, but in a foreign port, more properly perhaps in a foreign river; but it seems to me that makes no

You may have a mutiny as well in a foreign port or in a foreign river as at sea, and your ship may be entirely sacrificed, or you may be deprived of the capability of navigating your ship back again, unless you have the means of promptly adopting that course which the law has cautiously put into your power.

What does the law authorize you to do in the case of misconduct? To inflict moderate punishment. The punishment must be moderate, and proportionate to the offence the subject of consideration; and though the party guilty of misconduct may bring his action, if he can shew that the punishment was disproportionate, yet he must adopt a course the law points out for that purpose. Here he does not adopt that course, but he says there was no cause for punishment at all. What is the cause charged on the present occasion? The cause charged is that the plaintiff behaved in a riotous and mutinous manner, and refused to obey, and permit to be obeyed by the other sailors on board the ship, the defendant's lawful commands, and resisted the defendant in the performance of his duty, and set a pernicious example to the other sailors. Now, if the defendant had only made out that the ship was in a state of mutiny, and that the plaintiff was concurring in that mutiny, I should have been of opinion that that would have been sufficient to justify the captain in punishing the party; but as it seems to me upon the evidence, the whole charge was made out so as to establish the whole of the cause which is contained in this plea. That the ship was in a state of mutiny on the twenty-fourth of January, there can be no doubt at all. That Cronan was called forward for the purpose of receiving punishment for some offence which was supposed to have been committed, is also a question, with reference to which there can be no degree of doubt. He is told by the captain, before there is an attempt to punish him, what the charge against him is, and he says he may have been guilty of that imputed to him; namely, of using an expression, which amounts to disorderly conduct from a common sailor on board to one of the officers; but the question as to his misconduct and disorderly conduct in that respect, does not rest there, because there is a positive testimony from the different witnesses, that the conduct charged upon him on the nineteenth, really and actually took place.

Why then, if Cronan were guilty of that offence, was not the captain justified for the sake of preserving discipline, in

directing that he should be punished ? and is a sailor to be at liberty to interfere himself, and say that the punishment shall not take place ? There can be no doubt that the conduct of Lamb at the period in question, connected with the conduct of other persons on board, was conduct to shew that he meant to prevent the punishment of Cronan taking place at all. It was not to remind the captain that Cronan's case had not been properly heard, that Cronan was innocent of the offence imputed to him, or that there had not been a fair and legal trial ; but their objection was, that there should be no flogging ; and whether Cronan had been guilty of this offence, or had not been guilty of this offence, that was not the question upon which they were acting ; they were acting upon the question that there should be no flogging on board.

It was correctly suggested by Mr. Richards, while he was making the motion, that Cronan's conduct had occurred four days before there was an order to punish ; but, notwithstanding that, in my opinion, the master had a right to insist upon punishing him, notwithstanding that interval of time. It is quite right there should be moderate punishment ; it is quite right you should forbear to put the punishment in force, until the period of time at which he who ought to have the best discretion upon the subject is present ; and if the captain happens to be absent, it is most desirable that the officers should not take upon themselves, in the absence of the captain, to inflict the punishment that ought to be inflicted. It is reasonable they should wait ; they do wait, and they send for the captain ; and it is in pursuance of the representation to the captain that the party is punished.

Under these circumstances, it seems to me, that the captain was fully justified with reference to the punishment of Cronan, and that the crew, and Lamb among the others, had no right to insist there should be no flogging.

I am therefore of opinion, in this case, that the verdict the jury have given, is right, and that there is no ground for disturbing the verdict, or for any other motion of the description alluded to.

Mutiny on board the H. C. S. Inglis.

Sir Christopher Robinson addressed the grand jury assembled on the occasion. In one or two cases, the masters or commanders of vessels were charged with having inflicted

corporeal punishment on a part of their crew. It was his duty here to remark, that a good deal of misrepresentation had gone abroad on this particular subject ; and some had doubted the power of the commanders of merchant vessels to inflict corporeal punishment. The right was, however, recognized both by this Court and the Courts of Westminster ; and if such a power did not exist, it would, his lordship thought, be utterly impossible that commerce could be carried on. But, although this was the case, and that the right of masters to keep their crews in a proper state of discipline was acknowledged as law, still, if a master or commander of a ship should inflict, or cause to be inflicted, unnecessary, or more than ordinary punishment on any of the persons under his control, he would be amenable for his conduct to the criminal laws of the country. Having addressed to the jury these few observations, his lordship concluded by dismissing them, upon which they retired to the grand inquest room.

The Grand Jury having brought in a true bill, the trial proceeded; when Mr. Justice Bosanquet summed up the evidence with great minuteness and perspicuity. Punishment on board ship, his lordship observed, had existed from the earliest times ; but, although the right was acknowledged by law, it still ought to be inflicted with moderation and temper. On board ship there was no acknowledged judicial tribunal or authority, for the purpose of trying parties charged with offences ; but a discretionary power on the subject was by law invested in the masters, which they might exercise on their own responsibility, especially where the discipline of their crew concerned. Punishment ought only to be inflicted in extreme cases, and that the master of the vessel should act under the advice of the officers immediately under them in command ; in the first place, to prevent the operation of any vindictive or improper feeling that by possibility might exist in his own breast, and, in the next, in order that he might have witnesses to speak to the propriety of his conduct. His lordship next explained the legal interpretation of the words mutiny and riot, and pointed out the distinction between these offences. When the crew of a vessel confederated to deprive the master of his command, they were, beyond all question, mutineers ; but where three or more seamen acted in concert to carry into execution a design, whether legal or illegal, which was calculated to occasion either intimidation or terror, they were guilty of a riot. If, therefore, the jury should not be satisfied that any conspiracy or

confederacy had existed in the present case, still it would remain for them to consider whether the prisoners had not committed a riot, by assembling together and resisting in the manner described in the evidence, the orders of their captain. His lordship, in conclusion, recapitulated the testimony of the several witnesses, and left it to the jury to say, whether or not the prisoners had been guilty of either of the charges alledged against them in the indictment. His lordship concluded his address at ten o'clock, and the jury having expressed a wish to retire, an officer was sworn, in the usual manner, to keep them in private from all communication from without.

The jury returned into court at half-past one o'clock, when their foreman said that, to prevent mistakes, they had reduced their verdict to writing, and accordingly read as follows :—“ That they acquitted John Murray and John Harrison on all the counts contained in the indictment ; but that they found John Lally, John Jordon, Samuel Rose, John Steele, George Wells, Samuel Cole, John Carter, and Maurice M'Cannon, guilty of riotously assembling on the poop of the vessel, on the 6th of June, for the purpose of releasing John Lally from confinement, and the assault upon the commander of the ship ; but, under all the circumstances of the case, they were induced to recommend the prisoners to the merciful consideration of the court.”

Ship Phœnix.

The ship Phœnix, Captain Cousins, from ~~the~~ Diemen's Land to Bombay, having on board the head-quarters of his Majesty's fortieth regiment, was forced, after a long passage, to put in at Quilon, on the Malabar coast, to obtain a supply of water ; having completed which it was discovered that the boat's crew employed in the necessary duties of the ship, had brought off a quantity of arrack, which, according to all naval usage, was prohibited ; the seamen insisted on bringing the spirits on board, and declared, unless permitted so to do, that they would not weigh anchor ; Captain Cousins was firm in his refusal, but, unfortunately at such a crisis, did not feel himself authorized to enforce obedience. The ship's company to a man refused to do their duty, and went below. Colonel Kirkwood commanding the troops, offered Captain Cousins his aid to subdue the refractory and mutinous crew ; and I venture to assert, that if one seaman had been

seized and flogged, so just and necessary an example would have restored order and enforced obedience: and here I may ask those meddling theorists on naval discipline, *how, in their wisdom*, they would provide for such an exigency?

Colonel Kirkwood, and his officers, with that zeal and promptitude which has ever distinguished their gallant corps, perceiving the forlorn state of the discipline on board the Phoenix, declared to Captain Cousins, that as there were soldiers on board who had served at sea, he felt confident in their united efforts to get the ship under weigh and work her up the Malabar Coast; at the same time advised the captain, that, as he did not conceive himself authorized to inflict corporeal punishment, to keep his crew prisoners below, and reduce them to an allowance of bread and water. I believe Captain Cousins, being a man of the most mild and benevolent character, of whom not one of the seamen could allege a single complaint, carried only part of this advice into effect,—the crew had their allowance of provisions, and became in fact passengers! The military officers and their brave and excellent soldiers, together with the captain and officers of the ship, did weigh the anchor, and beat the Phoenix up the Malabar Coast to Bombay, in the usual time at that season (about Christmas) ten or fourteen days. When off Bombay Harbour, and having got the pilot on board, he observed the working hands were soldiers, and hesitated to take charge of the ship; but being assured by Captain Cousins how admirably both officers and men had performed every duty, his prejudice gave way, and the Phoenix was speedily moored in Bombay Harbour, to the infinite credit of those who had so nobly volunteered their services, and so cheerfully and zealously performed them.

It remains to state the shameful and destitute state of all marine law upon this vital subject. Captain Cousins preferred the heavy charge of mutiny and contempt for all rule and authority on the part of his crew, to the legal powers at Bombay, but could obtain no prompt or summary redress. He was told the oft-told tale, that the crew might be imprisoned if he would bind himself over to prosecute them at the ensuing Session of the Supreme Court in March. Now, to be told this in January, and the object of the Phoenix's voyage, especially after a long and protracted passage from Van Diemen's Land, *being quick lading and speedy despatch*, amounted, as in all such cases of vexatious and ruinous delay, to an absolute acquittal of the offenders

to a violation of the ends of justice, and the total subversion of all discipline!!! Had Captain Cousins yielded to the alternative, which such criminal conduct on the part of his crew imperiously demanded, what would have been the consequence to his owners and himself? Why, serious loss to his owners, and utter ruin to himself! The unfortunate result of this sad and lamentable affair was a compromise with a disgraced and mutinous crew, and their escape from such infamous conduct, without pain or penalty, and, what is worse, without incurring that severe and public example, which might operate with a salutary effect upon such other seamen who may dare to follow so pernicious an example. This occurrence took place, I believe, in 1831.

Ship Oriental.

Another case in point occurred early in 1833. The ship Oriental, Captain Fidler, had reached soundings off Bombay Harbour, when in the morning watch it was discovered that most of the crew were in a state of intoxication, and refused, in the most outrageous manner, to come upon deck, setting the captain and officers at utter defiance, and even threatening them if they attempted to force them on deck. At length, it was found that these mutinous fellows had forced open a scuttle under the forecastle into the hold, and plundered the cargo, or captain's stores, of wine and spirits, until they had sufficed their brutal appetites. Captain Fidler finding that all efforts to make drunken sailors do any duty would be vain and fruitless, secured them under hatches; and, fortunately having a leading wind, carried the ship, with aid of his passengers, officers, and servants, safely into harbour. On referring this disgraceful affair to the police magistrate, Captain Fidler was likewise told that, unless he would sue the party of plunderers and mutineers in the Supreme Court, no punishment could be inflicted; so, as in the case of the Phoenix's crew, the Oriental's escaped with impunity.

I could also cite several instances where mild and lenient measures have prompted leading and disaffected seamen to tamper with their shipmates, till at length the tie of obedience has been broken, and a lax state of discipline has led to a glaring state of insubordination, compelling the passengers themselves to interfere and remonstrate with the Captain on the urgent necessity of making an example of the well known ringleaders, who, on being seized, flogged, and sub-

dued generally become orderly seamen themselves. Comfort and security have been the happy result; when a further delay might have involved the whole crew in mutiny and revolt; a tardy shew of discipline is always bad, and sailors have an eagle's eye in these matters.

Ship Victory, Bombay Harbour.

January 6, 1834.

SIR,—I feel it my duty to acquaint you, for the information of his Excellency the Commander-in-Chief, with a glaring breach of discipline which has occurred on board this ship, in the earnest hope that his Excellency will cause such an example to be made of the offender as may deter others, and tend to check a great and growing evil, which has long involved the merchant service in disgrace, and lives and property in imminent danger.

The case, as reported to me by my chief mate, and in part witnessed by myself, is as follows. While at anchor in Tillocherry Roads, December 12th, Michael Morgan, seaman, came to the chief-mate on the quarter deck, and demanded his discharge. This man was received on board in China, almost in a state of starvation, and begged permission to work his passage to Bombay. The chief mate, with my sanction, consented to his discharge, when, in a very insolent manner, M. Morgan claimed two months' wages. He was told none were due to him, and to remember that the Captain had given him clothes and money, to which he was not entitled. M. Morgan then became very violent, and when desired, refused to go forward. The chief-mate then threatened to put him in irons; M. Morgan set him at defiance, but was instantly seized and forced upon the poop; a severe struggle ensued, and he attempted to stab the boatswain with his knife. After being secured in irons, he seized a billet of wood, with intent to knock down the chief mate, declaring at the same time, when he regained his liberty, he would throw the chief mate overboard, who would not be the first he had served so. The prisoner continued this outrageous conduct several hours, his infamous language being heard throughout the ship. At sunset, I came on board, and learning how disgusting the prisoner's conduct had been, and how much the ladies were alarmed, I had him removed forward. At nine, p.m., he broke out again in the most offensive and mutinous manner, burst asunder his hand-cuffs, forced the lock of the irons, and threw the bolt overboard. He was immediately secured and lashed down to the deck, but dur-

ing that night and the following, the prisoner's threats and language were the most vile and horrible that could be conceived, nor was his turbulent spirit subdued till he was released to attend divine service on the 15th. Since that time M. Morgan has been out of irons, but kept in close confinement, upon an allowance of bread and water. I must observe, that owing to the miserable and starving condition in which M. Morgan came on board this ship, he was nearly the whole of the passage, from China to Tillicherry, under the Surgeon's care, which must be considered as an aggravation of his crime. Had the prisoner signed the articles, I should have held an inquiry into his conduct, with my officers, and punished him according to the sentence awarded. For this extreme responsibility in the just and necessary infliction of corporal punishment on board merchant-ships, we can only seek defence in the urgency and necessity of the case; and I trust I am not presuming too much by claiming the attention of his Excellency the Vice-Admiral to the importance of the subject, and to the present unprotected state of the whole commerce of Great Britain.

We are placed in command of ships, at times, with disaffected crews, having confided to our judgment and care lives and valuable property; we possess no efficient means of control, and are left without the guidance of any defined maritime law, which should restrain the power of abuse and undue severity on the one hand, and quell every tendency to disobedience or insubordination on the other.

I have the pleasure to assure you that the conduct of my own officers and ship's company has been most exemplary throughout a long and arduous voyage. It is only with a view to prevent the baneful influence, of such a character as Morgan has displayed, on the minds of a well-disposed crew, and for the general good of the merchant service, that I have ventured to prefer this complaint, and to trespass on the time and consideration of his Excellency the Commander-in-Chief, which I do with the most profound respect.

"I have the honour to be, Sir,
Your most obedient servant,

CHRISTOPHER BIDEN.

To HENRY HART, Esq.

Flag-Captain to His Excellency

Vice-Admiral Sir John Gore, K. C. B.

Melville, in Bombay Harbour,
January 7, 1834.

SIR,—Captain Hart has transmitted to me your letter of yesterday's date, detailing the mutinous and infamous conduct of Michael Morgan, a seaman on board the Victory.

I have perused your statement with feelings of regret, that a man calling himself a British seaman should be guilty of such ingratitude and unpardonable behaviour.

I am sorry that I have no jurisdiction in such a case, and can only recommend that you place the man in the hands of the police magistrate, to be dealt with according to the existing laws.

I shall forward your letter to the Lords Commissioners of the Admiralty, as an addition to my previous representations of the urgency of some new laws being enacted for the welfare and preservation of the Merchant Service.

I am, Sir,
Your obedient servant,
(Signed) JOHN GORE,

Vice-Admiral and Commander-in-Chief.

CAPT. BIDEN,
Ship Victory.

Note.—I acted as the Admiral directed, and stated the case to the police magistrate, who declared that if I would prosecute the offender at the ensuing Session of the Supreme Court in March, he would commit him, but having come under an agreement to sail from Bombay on the 1st of February, I was compelled to forego such ulterior measures. The man was, however, brought before the magistrate as a prisoner, taken back to the ship by the police officer, and, with a shew of lenity, I stated the whole case to my ship's company, and turned the fellow out of the Victory.

THAMES OFFICE.—Nov. 1834.

EXTRAORDINARY CASE OF MUTINY AND ASSAULT AT SEA.—Yesterday John Williams, William Curry, John Wilson, William Tucker, Robert Duncan, Francis Crane, John Munro, and Robert Gilbert, seamen, belonging to the ship *Frances Charlotte*, from Canton, now lying in the London Dock, were brought before Mr. Brodrip, charged with mutiny on board, and violently assaulting Captain Aaron Smith, the commander of the ship.

At the commencement of the case two only were put to

the bar, who had been taken into custody by Wayling, a land officer, on a warrant which had been issued against them and six others; but on the conclusion of Captain Smith's evidence, which occupied two hours, the others voluntarily came forward, and were put to the bar, and the case began *de novo*.

Some allusion was then made to proceedings which had commenced, on behalf of the seamen by Mr. Clarkson, the Proctor at Doctor's-Commons, for wages due to them, and Mr. Broderip inquired if those proceedings had been instituted subsequent to Captain Smith applying for the warrant against the men?

Captain Smith said that after he had made application to the magistrates, he received a letter from Mr. Clarkson, to the effect that they had been directed to proceed against the ship for wages due to the men, and requesting a statement of what money they had received. He accordingly waited on the Proctors, and was informed by them that they intended to issue eight Admiralty warrants against the ship.

Mr. Broderip said it was much to be regretted that the magistrates' warrants, which were granted on the 4th instant, had not been executed earlier.

Wayling, the officer, said he had been unable to meet with the men before, and the two he had taken into custody were accidentally met with in Doctors' Commons, near Mr. Clarkson's office.

The men said the proceedings against the ship were begun as early as the law allowed.

Mr. Broderip wished to know whether there was any process yet issued against the Frances Charlotte?

Capt. Smith said there was not.

The investigation was then resumed. It appeared from the evidence of Captain Smith, that after leaving Canton on the homeward bound voyage, the men began to manifest a mutinous spirit, and frequently refused to obey orders with that alacrity they ought to have done. On the 26th of July last, when off the Cape, they met with very stormy weather, and he called all hands to assist in setting the mainsail. Williams, who was on the forecastle, refused to come until he had hauled the bowline in.* He repeated the order, and found fault with Williams for the manner in which he did his duty, when he became very insolent, and said he did not come there to be learnt his duty. He or-

* Whoever noted down this extraction was not well versed in nautical matters.

dered him to be silent, but he refused, and said he did not care a d—n for him. He ordered him ast, and to be confined, and on his refusal, which was accompanied by a good deal of abuse, he laid hold of him by the collar. He had no sooner done so, than he was hustled and shoved down by some of the other prisoners, among whom he particularly noticed Tucker, Wilson, and Gilbert; Wilson seized him, and attempted to release Williams, and he called the chief officer, who attempted to release him from the grasp of Williams, who still kept his hold of him (the captain) and ordered the chief officer to let him go, and he would release the captain. The chief officer accordingly loosened his grasp, and Williams did the same; but Williams was no sooner at liberty than he seized him again, while Tucker and Duncan dragged the chief officer away. He (the captain) then called for a cutlass, and one was brought up by the boy. On this Tucker made a rush at him, and struck him; he made a blow at him with the flat part of the cutlass, which he avoided; he then, to get clear of Williams, struck him two or three times on the shoulder with the flat part of the cutlass. At that moment he received a violent blow from Munro, which knocked him down, and while he was down, four of the defendants ill-used him in a very brutal manner, by kicking him about the head and body. He was certain that Wilson, Tucker, Gilbert, and Williams were kicking him. He called out for assistance, but none came; and Tucker said, "hit away." He asked them if they were going to murder him? Wilson said, "no, we don't mean to kill you, we only want peace and quietness." They took the sword away, and threw it overboard, and kept him down. By a violent effort he tore himself away from them, and called for his pistols; but they were not loaded. The prisoners were all below and refused to work. He called them upon deck, and said there should be no mistake, and directed the chief officer to ask each of them separately to return to their duty, but they all declined, and displayed such a refractory spirit, that he thought it prudent to fasten down the hatches and keep them below. He reduced their allowance to bread and water; but during the voyage between the Cape and St. Helena, they broke open a cask of pork, ate part of the contents, and threw the remainder away. On the arrival of the ship at St. Helena, the men sent letters of complaint to the Governor, to the commissary of police, and to another person in authority. The police took the men ashore, and

they all appeared before the magistrates, and as there was no Vice-Admiralty Court in the island, the case could not be tried there. After hearing all sides, the magistrate proposed to send home the four ringleaders to England in another ship, if he would indemnify him against all expenses; but this he did not feel warranted in doing, and the officers were directed to put the men on board again. Some time after this the ship was in great distress, and he told the chief officer to ask four or five of the prisoners to resume their work, and he would pay them from the time they commenced, without any reference to what had formerly occurred, for which they would be tried in England, but they refused to do any thing. During the late storm, the ship was driven out of the Humber, while making for Hull, to which port she was destined; and while she was expected to go down, they would not lend a helping hand, until the pilot persuaded them to assist in getting the ship into port, and she was eventually driven into Sheerness Harbour. The day, after the ship arrived at Sheerness, the prisoners refused to work at the pumps, although she had made a good deal of water, and asked him what he was going to do with them. He told them he should take them before a magistrate. They behaved so badly that a coast-guard put a boat's crew on board to prevent them plundering the ship. He afterwards altered the destination of the vessel, and brought her to London.

Mr. Broderip asked if the vessel was in any danger?

Captain Smith said the ship was in the most imminent danger when the prisoners mutinied. She had sprung a leak, and it was very stormy weather.

Several of the prisoners questioned Captain Smith, at the same time declaring that he had perjured himself, and that they did not kick or strike him; but he adhered to his original testimony.

Mr. Wickers, the chief officer, and Joseph Troll, the cabin-boy, who also underwent a long examination, confirmed the captain's statement in all its particulars, and said the men displayed a very bad spirit. Troll, however, said that Captain Smith began to abuse Williams, told him he was no sailor, and called him by some opprobrious names. At the termination of the affray the captain threatened to blow the men's brains out if they gave him any more insolence.

On the prisoners being called on for their defence, they deputed Wilson, a tall and very intelligent mariner, to speak for them. He entered into a very long statement,

in which he declared that Captain Smith had used them more like beasts than men; that he had nearly starved them; and that he was in the habit of calling them by the most opprobrious names. On the day the affray in question occurred it was blowing very hard; they had been almost starved, and they were called to take in sail. Williams was called with the rest, and said he would come as soon as he had hauled in the slack of the bowline. The captain immediately flew into a violent passion, called Williams a white-livered son of a b—h, and said he was no sailor. An altercation ensued between them, and the Captain dragged Williams aft, and they fell together. He called for a cutlass or Malay knife, and he and others, fearing mischief, endeavoured to get it from him, but could not before he had struck Williams two or three times and cut him. Tucker asked the Captain to hear reason, and his reply was d—n your eyes, I'll hear reason, and called for his pistols. They committed no further violence than was necessary to get the cutlass away. Wilson then proceeded to state that he had told the Captain they would go on duty if they were better used. They were confined in a horrible place full of vermin and half starved. He and his companions broke open a cask of pork and ate it raw, but they denied wasting it. The prisoner then went into a long history of their several grievances, and said the whole conduct of the Captain was harsh and tyrannical, and that these proceedings were commenced to deprive him of his wages.

Archibald Brown, the second mate, and John Carpenter, seaman, said the defence was true.

Captain Smith said he had broken the mate for neglect, and that Carpenter had refused his duty, and he intended to have him included in the warrant.

Brown, in reply to this, produced a written character he had received from the Captain, stating that he had performed his duty to his satisfaction.

A friend of the prisoners put in a long written statement, signed by the chief officer, which threw all the blame on Captain Smith, and was a repetition of what had been said in defence.

The chief officer on being questioned, said it was merely a statement intended for insertion in the newspapers; what he had made oath to was true. The statement was written by the steward, and he was induced to sign it, as he understood it was to appear in a newspaper.

Mr. Broderip said it contained such inflammatory language that he was sure no editor would insert in a public journal. Mr. Broderip then went into a long detail of the law on the case, and said it did not properly amount to piracy, as there was no expressed intention to run away with the ship. There was not the most discreet conduct on the part of Captain Smith,* but he was placed in a very peculiar situation ; whatever harshness he had used, the men had certainly behaved very ill, and as a most violent assault, accompanied by an unlawful refusal to do their duty, had been sworn to, it was his duty to send the case for trial at the first sessions of the Central Criminal Court.

The defendants were then held to bail, themselves in 40*l.*, and two sureties in 20*l.* each, to answer the charge.

Shipping and British Seamen in days of yore.—A.D. 1615.

‘The Trades’ Increase.’

“ As concerning ships, it is that which every one knoweth, and can say they are our weapons, they are our ornaments they are our strength, they are our pleasures, they are our defence, they are our profit, the subject of them is made rich, the kingdom through them strong, the Prince in them mighty; in a word, by them, in a manner we live, the kingdom is, the King reigneth.”—*Harleian, M. S.*

The Seamen’s protestation evincing their character and patriotism in the reign of Charles the First.

Concerning their ebbing and flowing to and from the Parliament House at Westminster, upon Tuesday the 11th day of January, 1641-2. Ordered by the Vice-Admiral to be published and set forth throughout the whole kingdom, as a manifestation of the seamen’s loyaltie to their king and love to their country.

“ Our appearance above the bridge being a passage the histories of England cannot exemplifie, may cause our good intents and well meaning in the various apprehensions of most men to be misconstrued; for the speedier and more

* Captain Smith of the *Frances Charlotte* published a narrative some years ago, detailing the horrible scenes he was present at, when obliged to serve on board a Pirate which had taken him prisoner.

exact remedie of which we have all resolved at length thus to declare ourselves :

" First, as in dutie we ought, we protest to our great lord and master, his most excellent Majestie, that it was an act of our own free and voluntarie disposition ; not all, nor any of us, called or invited by the Parliament or citizens of London ; but came as well to protect Whitehall, had his Majestie been there, as the Parliament House. But a rumour being spread amongst us, that that great council was in feare to be dissolved ; and knowing too well the happinesse of this kingdome consists in their sessions ; remembering the words of Archbishop Cranmer, a martyr of ever-blessed memory, which were, ' Wo be to England when there is no more Parliament ! ' We, seeing and hearing the whole city to be in complete arms, presently turned fresh-water soldiers ; and, with as sudden expedition as we could, attended by water their progress thither, and joined our thunder of powder with the city muskets, at their entrance into the house, (the temple of our safety,) to the terror, we hope, of all papists, and the land's enemies, who wish for nothing more than the dissolution of both houses ; whose harmony (if they proceed) will be to our perpetual good and their sudden confusion.

" We who are always abroad can best tell, no government upon the earth is comparable to it ; especially for ~~the keeping~~ a crown upon a king's head ; for the procuration of the subject's loyaltie, and unfeigned fidelity to their monarch ; for the flourish of traffique and merchandizing (this kingdom's right hand) : the continuation of all which is, was, and necessarily must be, by Parliaments.

" Witness the heavy and lamentable distractions in France, Spain, and Germanie, for want of them, or the like government.

" Long, therefore, may they flourish ! In vain is it for us to keep the narrow sea, if some go the way to lose the land. This confusion is that alone which glads the hearts of our enemies, and makes them fat with laughter ; while we sit, and sit, and effect nothing : yet, although the conception is long, the birth will be nobler, and that which Rome, with her curses, shall not blast ; we mean, the firm establishing of our Protestant religion ; indefence of which chiefly we display our colours on the seas, and expose each drop of blood we have to hourly danger ; and all in behalf of our good and gracious King, who is himself the defender of our faith.

" Now to the citie we manifest ourselves, and the occasion of our conflux, although we are a sort of people in this com-

monwealth, which, by the preciser sort of you, are defined little better than Atheists ; and therefore should breed more wonder, that we should stickle for religion. Be pleased to understand, although we have no churches, we say our prayers as well as you ; and the same God you have ashore is ours at sea ; whom we will serve, although not so decently as we would, being for the most part of our daies restrained from a church, to dwell upon the seas for your better securtie. For, be it well known, your safety consists in ours; your churches, aye, and your houses too, would quickly fal and be in the dust, should we let pass those who long to prey upon your lives and fortunes. But, for our religion, king, and country, we do and will advance our colours against the world. And for a confirmation to you all of our true hearts, we have all protested in this manner:

“ ‘ I. A. B. C.

“ ‘ Do protest, before Almighty God, to maintain, with my dearest life and blood, the Protestant religion, as it was established in the days of Queen Elizabeth; to acknowledge Charles, by the grace of God, king of England, Scotland, and Ireland: to stand for the privileges of Parliament : utterly from my heart to abhor all Poperie and Popish innovation

“ ‘ So help me, God! ”

“ Now, it may appear to you all, the main and chifest cause of our gathering together ! we, who are used to tempests, never stood in fear of a greater than this on land. That great vessel the Parliament House, which is so richly fraught with no less value than the price of a kingdom, is fearfully shaken and in great danger. Rome has rocks, and Spain quick-sands, to swallow her up. Now, what remains, but that on our knees we send up our prayers to that Great Pilot of heaven and earth, who steers the world with his finger ; that he would protect and defend her to his own glory, and our comfort : so shall our King be safe and firm in his throne, while his religion flourishes ; and his subjects peacefully and joyfully live smiling on his sceptre ; to the eternal disgrace and shame of those who have and would intend to subvert our proceedings.”

This effusion of maritime eloquence spoke the genuine sentiments of the great body of the navy, which sentiments continued unaltered, though subjected to a variety of exter-

nal circumstances, from that time until the restoration of the crown.—*Vide Memorial of the Life and Times of Edward Sir William Penn.*

*The Maxim of a Veteran Seaman, dated Sheerness,
July 16, 1673.*

“ When duty bids, go ; never stay for the example of any others ; but rather strive all you can to make yourself their example. In a good cause God prospers best the bold adventurer ; let resolution lead the van, and glorious victory shall bring up the rear.”

THE END.

SUPPLEMENT.

FURTHER REFLECTIONS ON THE URGENT NECESSITY FOR
ESTABLISHING A MARITIME CODE OF LAWS, COMPRISING
A BRIEF REVIEW OF RECENT OCCURRENCES AT THE SE-
VERAL PORTS IN BRITISH INDIA, SUBSEQUENT TO THE
PUBLICATION OF THE FOREGOING PAMPHLET IN ENG-
LAND LAST MARCH.—FOLLOWED BY THE RECITAL OF
SOME REMARKABLE CASES, SHEWING THE NECESSITY
OF VIGILANCE AND SKILL IN EVERY EXIGENCY OF
NAVAL AFFAIRS, AS BEARING ON THE WELFARE AND
REPUTATION OF THE MERCHANT SERVICE.

Madras, Aug. 25, 1835.

"Let partial spirits still aloud complain,
Think themselves injured that they cannot reign ;
And own no liberty but where they may,
Without control, upon their fellow's prey."

WALLER.

The suggestions embodied in the preceding Work were written on my present voyage between England and Madeira; from thence I forwarded the manuscript to Mr. Richardson for publication, and am greatly indebted to his zeal and assiduity for a few copies of the pamphlet, which reached me on the 10th instant, via Bombay.

Several very serious and important cases, as connected with the present state and condition of the Merchant Service, having lately occurred, and these having undergone judicial inquiry, I am more than ever convinced that the whole question is of such vast importance to the welfare and prosperity of British India, as essentially connected with the commerce of the British Empire, that I am induced to republish the humble but laborious task I have undertaken, and earnestly hope my efforts will be rewarded, through some attention and consideration being given to the subject by the influential members of Houses of Agency, and by Merchants and ship owners throughout India: But beyond political and commercial considerations, the question at issue concerns every British subject, all persons in this country, who either expect to revisit their native land, or

hail with anticipated pleasure the welcome arrival of their wives, their children, their relations, or friends, must feel a lively interest as to the probable comfort and security, which, may attend their transmission by sea. The hazards that have already transpired, the consequences which have ensued, and the misery and painful anxiety that must in some cases have been endured, are sufficient in themselves to league public opinion in favour of a general system of amendment in the discipline and management of *the mercantile marine*.

I venture therefore to urge this appeal, and to suggest the propriety of petitions in favour of the legislative enactment of a Code for Maritime jurisprudence, being sent forthwith from this country to both Houses of Parliament.

The cases I have alluded to are of recent occurrence, some at Bombay, several were noticed at this Presidency, and finally adjudged at Calcutta ; and these cases fully establish the incompetency of common law, either in definitive construction, or the urgency of despatch for maritime usage and necessity. These evils were urged and set forth among the reasons for settling Admiralty jurisdiction in the reign of Charles the Second, and offered to the consideration of His Majesty and to the Houses of Parliament as follows : "The resettling of these Courts would be an encouragement to men of parts to apply themselves to the law of nations, and of the sea ; whereas, at this time, that profession, heretofore thought to be of some use to the government, seems to be altogether discontinued and neglected."

"However, it is not the benefit of any profession that is to be regarded in this matter, but the general advantage of the people, for which end, all laws are made, and if those laws afford the best remedy, in all reason they ought to take place, and be promoted."

"The common law, although most excellent in its kind, yet being formed for land offences only, will be found too narrow for the decision of all the differences arising among sea-faring men and merchants. Nay, the very Roman laws, acknowledged to be the most comprehensive, are deficient in these cases, unless they take in the maritime laws, the excellency of which doth not only consist in proper rules, made by the long observations of traders, but also in the incomparable dispatch that is given to maritime affairs at all times and seasons ; a thing absolutely necessary for the encouragement of trade and navigation, and no where else to be had but in the courts of justice established for that end and purpose."

I will now endeavour to illustrate the cause I advocate, and "nothing extenuate, nor set down aught in malice." In July last, a seaman named Williams, belonging to the Victory, under my command was insolent to the chief mate threatened and attempted to strike him, was put in irons, broke loose from confinement, and threw the bolt overboard. I was absent from the ship, and the chief mate, sent a junior officer to report the outrage to the Police Magistrate, who promptly sent officers on board, and had the offender in custody. After a week's close confinement, the inquiry took place; the prisoner was fully convicted, had his choice of a month's durance in goal or pay a fine of 50 rupees. He chose the latter alternativ. I deducted the value of the irons from his wages and turned the fellow out of the Victory, as I had previously intended, he being the only troublesome person on board.

The Ship Lord Lowther reached Bombay about this time in a state of high order, and good discipline. One seaman had been punished at the gangway for theft, and having been found incorrigible, was brought in irons to Bombay to be given over to the civil power, when the prisoner was leaving the ship, in charge of the police officers, nearly one half of the ship's company assembled in a riotous manner, hooted and groaned, and when desired to disperse and return to their duty, they refused to obey. The Captain was immediately acquainted with these circumstances, and, on his arrival on board, he sent for these disaffected men one by one, read to them the articles by which they were bound, and explained the consequences which must follow if they persisted in their refusal to do their duty; but with few exceptions, they maintained their resolution, and were sent to prison.

I was present at the impartial investigation which subsequently took place before the Magistrate. The seamen had no just cause of complaint, and were given an hour to choose between a return to their duties or a month's imprisonment; but such was the obstinacy of these misguided men, and the mistaken notion of the lenity which was shewn towards them, that one and all declared they would go to prison. I can only account for such conduct as these men betrayed by the conviction on their minds that the just and necessary discipline which was upheld on board the Lord Lowther is illegal; and I verily believe nine-tenths of British seamen now afloat, are led away by the same erroneous opinion. About two years ago, on board one of the Honourable Company's ships lying at anchor in Malacca roads, a seaman

was guilty of some gross offence, and after due inquiry, he was seized up for punishment, not a petty officer nor a seaman would inflict the use of the cat ; the ship's company protested against its being used, and the Commander appealed to the Captain of a man of a war in the roads, who stated his inability, according to his instructions, to interfere ; but declared his perfect readiness, provided the complaint reached him through a Magistrate, and was sanctioned by his solicitation. This medium of redress was accomplished ; an armed boat proceeded to the Indiaman to execute summary punishment on the delinquent ; but the urgent entreaties of the whole crew induced their too forgiving Captain to yield and pardon where exemplary punishment was justly due, and most assuredly ought to have been carried into effect.

Several other instances of seamen striking work, being absent without leave, and other irregularities are of frequent occurrence to the great loss and inconvenience of the owners and Commanders of their respective ships, who have been obliged to employ lascars to do the duty of their refractory and disorderly men. These cases are of such frequent recurrence at Singapore, that I was told the other day by one of the Magistrates of that rising emporium, the audacious conduct of seamen frequently baffles every attempt to restrain them on board ship, while such is their indifference as to gaol discipline, that the Magistrates themselves are puzzled how to subdue them, and are of opinion that they should be empowered to condemn such lawless vagabonds to hard labour.

But the case which bears more forcibly on the subject, I have advocated throughout this work, demands most unbiased attention. I will briefly state the circumstance from the facts which are published to the world, and shall fearlessly give my opinion as to the probable consequences which may result therefrom. Here is the case, which must excite a general feeling of shame and indignation.

CALCUTTA.

Supreme Court—Monday, December 8, 1834.

MUTINY—SHIP LONDON.

“ John Whitburn, John Catley, John Franks, and John Cochrane, were charged with having, on the 2d of July last,

being then seamen on board the ship *London*, belonging to H. J. Sanderson and others, British subjects, and under the command of John Pickering, also a British subject, piratically and feloniously made a revolt on board the said ship, the said John Pickering, Master, being then on board. They were charged, on another count, with having made another revolt on board the said ship, on the high seas, on the 14th of September last, and on two others, with having endeavoured to make the said revolts."

The prisoners pleaded "not guilty."

Now the evidence has fully proved that one seaman, John Franks, set his Commander and Officers at defiance, and quitted the helm, which every person at all conversant with naval affairs, must ~~w~~ know is a breach of discipline and a violation of duty of the most culpable nature, involving, as in many situations of wind and weather it may do, the safety of yards, masts, and the whole ship. In the struggle which ensued for the preservation of authority and control, the Captain was assaulted and disarmed; the whole crew rushed aft, several of them seized the Captain, and the others seized the chief mate, and struck the latter and abused him in the grossest manner. Franks flourished the cutlass, which he had wrenched from the Captain, round his head, and brandished it by way of utter defiance and contempt; bent it across his knee, and then gave the weapon to the second mate.* When the Captain and the chief mate were released from this degrading scene, and had retreated into the cuddy, and the ship's company had by the most outrageous conduct obtained complete mastery of the ship, they, on whom the charge and safety of the ship, lives, and property devolved, were assailed by the most daring threats and imprecations; the Captain himself was challenged by Whitturn to come forth and he would thrash him.—In this state of as complete a *revolt and mutiny* as ever disgraced

* Captain Pickering made a thrust at one of the mutineers, as appears by his evd. ence, viz. "At the same time Cochrane struck me, and Catley likewise made a blow at me, I immediately returned into the cuddy for a cutlass, and Whitburn being the nearest to me when I came out, I cut him. I did ~~it~~ for the safety of my own life and the ship. None of the men obeyed, when I ordered them forward. When I cut Whitburn, Catley called out, 'one and all make a prisoner of him,' and three or four got hold of me (Catley having pinioned my arms behind my back) and dragged me about the deck. Franks, who had deserted the wheel, was the man that took the cutlass from me. He took hold of it, wrested it from me, held it over my breast, and said, 'I have a mind to run you through the guts, you _____; ' and, to the chief mate, he said 'I have a great mind to cut your _____ head off; I am the fellow to serve out such a set of _____. ' Upon my calling to the carpenter to witness that Cochrane had struck me, and the carpenter replying that he had seen it, Cutley said, 'Carpenter you're a two faced rascal, about two or three days will finish your gauntlet.'"

the quarter-deck of a ship, the Captain, chief, second mate, and carpenter, feeling that their lives were in danger, held a consultation, and resolved to bear up with the ship for the nearest port, Rio Janeiro. After beating eight days against adverse winds, Captain Pickering gave up the attempt, and the season (July) being against putting in at the Cape of Good Hope, he determined to pursue his voyage to Madras. Throughout the remainder of the passage, the ship's company continued in a most disorderly state. On the arrival of the London at Madras, Captain Pickering represented the mutinous behaviour of his crew to the proper authorities; but, as the ship was bound to Calcutta, it was deemed prudent to refer the whole case for adjudication before the Supreme Court. Shortly after, the ship proceeded to Ennore to take in a cargo of salt for Calentta, having on board, besides her crew, twelve lascars. When they had reached within limits of the anchorage, the stifled dissatisfaction of this turbulent and ungovernable crew, again broke out; they either refused to do their duty, or performed it in such an insolent and passive manner, as might, under frequent circumstances which do occur, render the situation of a ship both difficult and dangerous. By the timely aid and assistance of the lascars, the London was brought to an anchor, and an express was immediately forwarded to Madras, a distance of 10 or 12 miles.

On the arrival of the express, the conduct of the London's crew was instantly made known to Vice Admiral Sir John Gore, who fortunately happened to be then on board the Melville. H. M. S. Curaçoa was also in the roads, and her signal was made to prepare for sea. The Curaçoa's sails were unbent, she was being painted and refitted, but yet that dashing frigate was with great zeal and celerity very soon on her way to Ennore. Captain Dunn took the ringleaders out of the London, and brought them in irons to Madras, when this case, in aggravation of the former crimes, which I have detailed, was considered so flagrant by the Admiral and other authorities as to demand the utmost penalty of the law. The prisoners were therefore sent back to their ship in irons, and proceeded to Calcutta to take their trial, of which the foregoing remarks contain a correct epitome.*

* The seaman Franks was the ringleader in every disgraceful transaction which occurred, and if an example could have been made of him either by cutting him down when in the act of mutiny or some well deserved chastisement, the rest of the crew would have been speedily curbed and subdued. There was either no ammunition on board or none could be got at, and to this fatal error, as on a similar occasion

Now with all due respect and deference to the talents of the learned Judge who presided at this remarkable trial, I do not hesitate giving, as my opinion, that he would have more suitably upheld the dignity of his own high office, and sustained the justice and equity of so great and momentous a question, had he followed the example of Sir Christopher Robinson, when, in his charge to the grand jury assembled previous to the trial of several seamen of the Honourable Company's Ship Inglis, charged with *conspiring to resist the lawful authority of their Commander, and also for having riotously assembled and assaulted him*, that able Judge imparted to the Grand Jury the benefit of his great research and luminous exposition; he declared the right and power which is vested in the Commanders of merchant vessels to inflict corporal punishment, which authority is recognized by the High Court of Admiralty and the Courts of Westminster; and if such a power did not exist, his Lordship declared his opinion that it would be utterly impossible to carry on the commerce of the country.

That trial having undergone a long and patient investigation, eight out of the ten seamen, charged as aforesaid, were found guilty of riotously assembling on the poop of the ship, for the purpose of releasing John Lally from confinement, and of the assault upon the commander of the ship. Sir C. Robinson having addressed each of them by name, and stated the nature of their crime and the ingenuity of the defence urged in their behalf, "declared the Court could find no justification in the character of their offences; they had heard the law upon the case laid down, that the offence of mutiny could not be justified by the plea which they had set up. He hoped that the erroneous impression which they had imbibed upon that point would be usefully appreciated by them, and that their return to the paths of duty, which

on board the country ship 'Ann,' as noticed hereafter, may be ascribed the mischief and wilful aggression which ensued. Captains and officers of ships should always be provided with means of internal as well as external defence; but I fear Captain Pickering had neglected such precautionary measures, and allowed his crew to know, and feel his weakness, and their own power. A brace of pistols and a timely shew of firm resolution might have averted the evils of which this affair is indeed a lamentable instance, and a sad and disgraceful example.

* The plea set up was the undue severity exercised on board the Inglis. Captain D. allowed starting, and, according to his own evidence, permitted his officers to strike the men. Dr. Lushington, counsel for the prosecution of the Inglis's seamen, stated to the jury, "that the crew of the Inglis were in a state of mutiny on the 6th of June, was beyond all question, and it was equally certain, that nothing had occurred for several months prior to that period, which could have in any way justified or given rise to the transactions of that day: The cruelty of Captain Dudman and his officers were described in glowing language, and every expression and epithet were resorted to, for the purpose of covering Captain Dudman and his

they appeared to have deserted for a time, with the firm determination to profit by the lessons afforded by this trial; they had stood upon the brink of a much higher crime than that for which they would have been indicted, and it was owing to the forbearance of their master that they had not been so charged."

It is impossible to produce two cases so parallel in every point of view, as exemplified by the crimes committed by the seamen of the Inglis and the London ; but, how widely different are the consequences, how totally opposite the final result to each party !

The seamen of the Inglis were punished at St. Helena, carried home in irons, imprisoned at Newgate for several months, found guilty at the Old Bailey, and suffered a further imprisonment, which was more lenient than might have been, had there not been several circumstances which operated in their favour, and induced the jury to recommend them to mercy. The seamen of the London were condemned by the strongest and most incontrovertible evidence, by the most unquestionable proofs, that they had wilfully and outrageously disobeyed the lawful commands of their Captain and his chief mate ; that they had *riotously assembled and assaulted those officers*, and threatened them with every horrid imprecation which a mutinous spirit could excite, or open contempt and defiance could suggest. The learned Judge, according to newspaper report, in summing up this case to the Jury, said,

" In no case that had ever yet been tried, had it distinctly determined what constituted a revolt on the seas." He left it to the jury to determine from the evidence whether a revolt had been committed in this case, offered to re-capitulate the evidence, which, however, the

officers with the most unjust odium. The jury would distinguish, however, between the real and assumed state of the facts. Many circumstances have been introduced into these proceedings, which had nothing to do with the case, but the object of mixing extraneous matter with the real question for consideration, must be so apparent to every man of common sense, that it would be a waste of time to point it out. A great deal had been said about the cruelty of flogging and starting in-use on board ship, but those who knew anything respecting the urgent necessity which existed for the maintenance of proper discipline, would readily admit of the expediency of such punishments, and that no ship's company could possibly be kept under control without them. The right of the Captains of merchant vessels to inflict punishment upon their crews when it was deserved, was recognised in the case of the Lowther Castle, by that great lawyer and Judge, Lord Tenterden. There was a decision of Lord Stowell, which took the same view of the subject, and the Court of Delegates, in which three of the common law Judges presided, after the fullest deliberation, arrived at the same conclusion. On the law, as applicable to the right of punishment, there could be no doubt whatever; but still he (Dr. Lushington) was free to acknowledge that the practice of flogging, or of starting, ought not to be resorted to but in extreme cases."

jury thought unnecessary, and brought in a verdict of *Acquittal* in favour of all the prisoners.*

This acquittal and release of mutineers, for such they were to all intents and purposes, whether the limit and designation of so grave an offence, so heinous a crime, be suffered to expand or contract according to times and circumstances, must be regarded as establishing a precedent which is fraught with serious and alarming consequences. Now, if a merciful consideration, a desire to avert the heaviest penalty of the law operated on the feelings of the learned Judge, and with a genial influence pervaded the minds of the jury, yet there remained a power, which with "*Mercy seasons Justice,*" and a capital conviction could have yielded to a commutation of the sentence. I must give vent to my own feelings on a subject of such paramount importance to the whole maritime profession of the British Empire, as is now on record by the trial and acquittal of the London's crew, and enter my appeal in behalf of the claims which every British seaman, in the execution of his duty, has upon the supreme government of his country, for protection and support; with this appeal I enter my protest against the full and entire acquittal, the total escape, with impunity, of four lawless men, calling themselves British seamen, but who had disgraced their country and their profession by the most wanton acts of mutiny, revolt, conspiracy, and riot, theft, drunkenness and assault!!!

How, and on what terms are such lawless and disaffected men let loose, without public censure or reproof, without forfeiture of wages, or, in fact, without any exemplary punishment! On the other hand, their owners and their Captain must sustain a serious loss, by the deviation of the ship's course, when making for Rio Janeiro, through a protracted voyage, by not carrying sail, and especially by the expenses attendant upon this trial. These consequences were sufficient to disgust Captain Pickering, and prevent him from following the course of justice by any other legal measure; but so flagrant a case ought not to have escaped a future day of trial and retribution. And, while on this subject, I strongly recommend the propriety of a MARITIME ASSOCIATION throughout the Merchant Service, to be supported by subscription, for the purpose of upholding the integrity of that service, by the maintenance of lawful authority; the support of a just and necessary discipline;

* These men had the able and prompt support of a counsel, who generously tendered his aid, but silence was their best defence, and silence was preserved.

the prevention of crime, and by means which, through every judicial course of proceeding, shall exonerate Commanders and their officers from pecuniary loss, and fully indemnify them, when, by firm, yet temperate measures, judicious yet correct conduct, it shall be found they have manfully done their duty, and upheld the character of British Officers and Seamen. Such an association, if founded upon just and liberal principles, and supported with vigour and unanimity, would prove a collateral branch of naval discipline, and a strenuous barrier against those oppressive and vexatious measures too frequently resorted to by a certain class of lawyers and seamen, who, under the pretence of seeking justice, draw up exaggerated statements, and, by every method which fraud and ingenuity can devise, exert all their baneful power and influence by harassing and vindictive measures for the purposes of extortion.

Sailors do not comprehend the jargon and technical difficulties which involve common law in inexplicable confusion: they are accustomed to flaws of wind, and the technical affairs of their own profession, but not to flaws of indictment, which are too frequently devised with cunning and duplicity, and upset the very principles of truth and justice!

" When Vice triumphant holds her sov'reign sway,
 And men, through life, her willing slaves, obey;
 When Folly, frequent harbinger of crime,
 Unfolds her motley store to suit the time;
 When knaves and fools, combined, o'er all prevail;
 When Justice hulks, and Right begins to fail;
 E'en then the boldest start from public sneers,
 Afraid of shame, unknown to other fears,
 More darkly sin, by satire kept in awe,
 And shrink from ridicule, though not from law."—*Byron.*

Now, had the learned Judge, with all that energy, unbiassed judgment, and firmness of resolution, which are the attributes of his high and distinguished office, commented on the nature of the crimes alleged against the prisoners, and fully substantiated by evidence against them; had he, I say, animadverted upon the consequences of such crimes, and stated that, although through a merciful interpretation of an undefined point of law, the jury had under such doubts and uncertainty pronounced a verdict of acquittal, yet the nature of their offence, the extent of their crime, and the unprovoked circumstances by which such offences and crimes were committed, compelled him to pass the severest censure upon their conduct, and to warn them of the consequences should they ever dare again to assault their Captain, disobey his orders, and revolt against his

authority.—Had his Lordship also explained to the prisoners the nature of those high and responsible duties which devolve upon Masters of ships, with the extent of that authority and control, which, for the well being of all persons embarked under their command, is vested by law in their hands, those mutineers would have learned from the Bench, “that in the case of actual and open mutiny by the crew, or any part of them, the resistance of the master becomes an act of self-defence, and is to be considered in all its consequences from that point of view.”

Those men would have also known, and, perhaps, for the first time, that the Master has authority over all the mariners on board the ship, and it is their duty to obey his commands in all lawful matters relating to the navigation of the ship, and the preservation of good order, and in case of disobedience or disorderly conduct, he may lawfully correct them in a reasonable manner.

The law thus expounded, and admonition thus impressively declared, in the presence of all parties concerned, would have afforded some consolation to the great and serious injury sustained by Captain Pickering, and the loss which must accrue to the owners of the ship London.*

Captain Pickering appears to have exhibited throughout the trying scenes to which himself and officers were reduced, the utmost patience and forbearance, with the greatest shew of resignation. I never heard of one act of injustice, harshness, or ill-treatment being alleged against either him or his officers, which is infinitely to their credit, and is ten-fold aggravating to the criminal acts of his crew. But I cannot close this subject without declaring my firm opinion, that Captain Pickering “would have been fully justified had he shot or cut down the mutineer who dared to assault and disarm him. God forbid that ever I should be placed in so critical a situation; but should such a calamity ever put my conviction on so high a principle as that of preserving inviolable the sole and supreme command of my ship, to the test either he, who may attempt to usurp that command, or I myself must fall the victim of such a strife. The obloquy resulting from such conflicts as have already stained the decks of a ship, casts a shame and reproach upon our country’s laws, and calls aloud for amendment and redress. Blood

* The entire escape of these men demands every consideration, with reference to the peculiar habits of seamen, and the probable effects of such an example. The theory and practice of common law are so much at variance with the ends of justice, reform is required, and revising these intricate points becomes an imperative duty.

has flowed, crime has followed crime, and revolt and mutiny have triumphed on the high seas, disgraceful to the flag which has long claimed and asserted the sovereignty thereof.

In reviewing this sad and melancholy case, which may yet be written in characters of blood by the fatal consequences which may ensue from the sufferance of so great an evil, for who will pretend to say the seamen of the *London* were not guilty of revolt?—Revolt implies the commission of violence, or is a state of rebellion. What else, in common sense, does revolt imply? *It is a lawless act of violence, a state of rebellion, a mutinous attempt, a violent outrage, an act which incites to contempt, utter defiance of lawful authority,* and to open mutiny. Such in my opinion, constitutes the meaning of *revolt*; and again, I ask, can it be denied that the *London's* seamen were guilty of that crime? I am well aware of the extreme delicacy attached to the issue of every trial, especially when a verdict of acquittal, on points of law, declares the freedom and virtual innocence of the party. I am also fully conscious of the awe and veneration that is justly due to those institutions, which, as the tribunals of truth and justice, uphold the honour and glory of the British Constitution.—Nor am I less keenly sensible of those high duties and responsibilities which attach to every Commander of a vessel, and that on him, and him alone, is cast censure and disgrace, if by any dereliction of principle or duty, his vessel is endangered or lost. Under this conviction, I assert the right and claim which Commanders undoubtedly have to all due protection and support, in the lawful execution of the trust committed to their charge, and these claims I consider have been utterly lost sight of, and totally disregarded in the case of Captain Pickering and his crew.—Now, when it is certain that martial law would have consigned the seaman Franks to the fore yard arm, for *one act* of his crime, and the other seamen to the same condign punishment for the accumulated offences proved against them, it is obvious the course of justice has been turned aside by the result of this trial.

As an officer and seaman, I have been roused to declare my sentiments in behalf of the Merchant Service, which has frequently been assailed by the clamour of vindictive prejudice, when, at the same time, the executive branch of service has been neglected and despised.

Will be urged in extenuation of this extraordinary verdict of acquittal, that the Judge was governed by the defini-

tion of terms recognised by principles of theory and practice which govern the laws of England, and that his power is circumscribed by corresponding bounds,—it will also be alleged in defence of this verdict, that the jury were guided by the opinion of the learned Judge. To these arguments, I beg to observe, that, as a thorough conviction, must have been impressed, on the minds of both Judge and jury, that an extent of crime, aggravating and unjustifiable, was proved against the prisoners, without plea, and without justification, it was the duty of the learned Judge to condemn in the severest terms of reprobation, their offence; to explain how, and why they escaped, and to tell them that law and judgment was only then in suspense, and that their Captain had the power to bring them again to trial for an assault. All experience as to the habits and character of seamen plainly shews that mutiny and piracy are so closely allied to revolt, that one excess and gross dereliction of a seaman's duty, a single breach of discipline, when unheeded and unpunished, is quickly followed by another, until accumulated crime engenders a reckless and a fearless spirit, bidding defiance to all and every consequence. We may therefore readily imagine that, if an able leader, competent to navigate the London had headed the mutineers, they would have as readily obeyed his summons to run away with that ship, as these very men so readily obeyed the impulse to assault their Captain and officers.

Short of this piratical intent they did commit every excess; they plundered the spirit room, got drunk when they pleased, and did just as they pleased at all times.

The inference is therefore fair, and the construction on the crime these seamen did commit, by their subsequent conduct is conclusive.

" Their names, their coward names, to every eye,
The climax of all scorn, should hang on high,
Exalted over less abhorred compaers,
Fester in the infamy of years."

* WRECK, FIRE, AND MUTINY !

" Captain look out, 'tis your concern,
To govern well, from stem to stern."

A good seaman may be subdued by the force and power of contending elements, but he should never be surprised,—Latitude, lead, and look out, the alidade, chronometers, the corresponding control of lunar observations, and some attention to the indication of the stars

barometer, will, under the blessing of Divine Providence, guard and protect the mariner from the perils incident to his profession. Without invidious feeling or prejudice, I will endeavour to point out some remarkable cases, which tend to shew that neglect, an overweening confidence, and error of judgment, have produced a fatal loss of lives and property. These cases are a few out of the number which I have in my possession, but they may be useful and instructive to the young seaman, and may also serve to refresh the memory of the old.

The wreck of the *James Sibbald* appears, from the several statements which have been published, to have been caused by some neglect and inattention to the true soundings, and the grievous fault of having mistaken the light for a setting star, as will appear from the following extract from the Madras Courier.

"We redeem our pledge regarding the *James Sibbald*, and subjoin extracts from a protest executed at Coringa before Mr. Crawley, Magistrate there, and bearing the signatures of Captain Darby, and his first, second, third, and fourth mates, the names of Messrs. Walsh and Barrow being of course amongst the number. Impartiality demands this publication, and we leave our readers to form their own judgment.

"The protest embraces the Ship's Log up to the date previous to her survey for abandonment; and, on the 29th December, is to the following effect:—'That at half-past 6, p. m., a man was sent aloft to look for Point Gordeware Light-House; but which was not then seen; and that at half-past 11, p. m., the Chief Officer, Mr. Walsh, then on the watch, reported to Captain Darby that the lead had been hove and no soundings obtained; that afterwards soundings having been found, and while the ship was in twenty fathoms, the people attending the line told the Chief Officer, Mr. Walsh, that they had overhove the line, and that, as a proof thereof, they stated they found the lead covered all over with *soft blue mud*; that by some inadvertence this intimation was not attended to by the Chief Officer; and that at 20 minutes after twelve o'clock at midnight, when the second Officer of the ship, Mr. Barrow, had the watch, a light was reported to be seen about west; which report likewise was not attended to by Mr. Barrow, swing the light to be a setting star; that the ship was to hold on her course, and that at forty-five minutes past night she struck in three and a quarter fathoms water;

that immediately on her striking, the helm was put to starboard to get her head to the southward, but without effect; the sails were hove aback, and a kedge run out to heave the ship off. At this time she struck the ground violently, and appeared to do so about midships. The water on board was then started to lighten the ship, and the kedge came home. Notwithstanding, however, the efforts of all on board to get her off, she drove further in shore, and there-upon the bower anchor was let go to prevent her driving into the breakers, a strong current being observed to set directly into the shore."—*Male Asylum Herald, March 14, 1833.*

The melancholy fate of the *Lady Munro* was occasioned by an error in the reckoning and through a negligent look out, and was thus briefly announced in the Madras Male Asylum Herald, January 6, 1834.

"It is with feelings of pain, that it were indeed difficult to express, we find the distressing duty devolved upon us of communicating one of those events, which an all-wise Providence at times permits to afflict our fellow-creatures, while teaching a fearful lesson to us all, of the frail tenure whereon hangs the thread of human existence! The *Lady Munro* has been wrecked on the rocks in the vicinity of the Island of Amsterdam! These melancholy particulars reached yesterday:—

"The barque *Lady Munro*, from Calcutta, ran on shore upon the rocks of the desolate Island of Amsterdam, on the 11th of October, ultimo.

"J. McCosh, Esq., of the 34th Bengal Infantry, one European convict, and 18 lascars were saved. The total number on board were 96 souls.

"The following are the names of the persons that were drowned:—Captain Aiken, his wife, child, and brother; Mrs. Montfort and Miss Hazlewood from Madras; Mrs. Capt. Brown and four children, H. M. 57th Regt.; Captain and Mrs. Hardner, and 3 children, 5th Madras Infantry; Captain and Mrs. James Knox, 6th Madras Cavalry; Lieut. and Mrs. Farmer and Child, H. M. 39th Regt.; Lieut. Lloyd, H. M. 39th Regt.; Lieut. Clarke and two boys, H. M. 42d Regiment; Mr. Lowne, Mrs. Monteith, and Mr. Fisher of Sydney; 9 European convicts, 4 European servants, 9 native servants, and 24 lascars,—in all 76 souls.

"This information arrived in Swan River on the 1st November, by the *Eagle* schooner, she having on board a message from the Mauritius fallen in with the American

er General Jackson, with the survivors on board, bound for the Mauritius.'

There are also cases where ships have been burnt or otherwise destroyed, which should be held up for instruction and reflection, as examples of that mutability of life and fortune, which human skill and sagacity cannot at all times provide for, or guard against.

For instance, H. M. Ship *Guardian*, which struck on an island of ice, but was preserved by the intrepid bearing of her "good and gallant Captain," until all those of his devoted crew, who clung to an *apparently* sinking ship, were saved by their united firmness and perseverance.* The ships *Dorothy*, by springing a leak, and *Earl of Eldon* by fire; these latter cases are detailed in the following letter which is inserted as offering some opinions and suggestions relating to those events.

TO THE EDITOR OF THE BOMBAY COURIER.

SIR,—The several fires which have lately occurred within the Fort, arising from cotton having been deposited in a wet state, and particularly the extensive destruction of safflower in the godowns of Messrs. Duncan, Gibb and Co., which was warehoused during the dry season, and became charred and consumed to a cinder, last week, without any apparent cause, affords an ample subject for discussing the very important question as to the source of that fatal calamity which befel the ship *Earl of Eldon*.

However, whilst a doubt remains as to the consequences which may ensue through any negligence by shipping cargo, liable to spontaneous ignition, or by the stowage of combustible matter, in contact with other articles liable to produce a conjoint ignition, the subject involves matter of such vital importance to the welfare and prosperity of this emporium of the East as to demand the utmost scrutiny, the most vigilant inquiry, and the most scientific research. Every precautionary measure which past experience can suggest, or prudence can devise, should be vigorously and impartially enforced.

Now, it appears from the few inquiries I have been enabled to make, as to the custom here of warehousing cotton, that a practice is still pursued, which may endanger the

*How, who commanded H. M. *Guardian*, was killed at the battle of Co. His conduct on that memorable occasion, and as Captain of the *Guardian*, held up as a model of bravery, skill, and resignation of the highest order

mercantile prosperity of this port. The evil is serious and most reprehensible; the remedy is simple, and should be rigorously adhered to. The owners of cotton presume on the indulgence of Government, and allow it to be kept exposed to the weather after the setting in of the rainy season. Cotton is thereby sent to the screws in a wet state, and, as recently proved by the fires I have alluded to, it becomes heated, and, without timely remedy, is soon on fire.

Surely then it behoves the Government to interpose and render imperative a regulation for the bonding, or removal of all cargoes of cotton under shelter, on or before the 1st of June. Independent of the liability of fire, cotton in such a state becomes more or less damaged, and gains a fictitious weight, which is inimical to every principle of fair and honourable dealing.

As it has been proved that safflower will attain such a heat as to char, and consume to a cinder, but will not produce spontaneous ignition, extreme caution is requisite in the stowage of that article, that it may not come in contact with any cargo of a combustible kind. Oils and every inflammable material also require certain restrictive regulations in the shipment and stowage thereof.

I cannot refrain from calling attention to a practice which has obtained here of late, and demands a check and prevention. Some persons have, without due notice, shipped noxious drugs in common with coffee, tea, &c. Such a system may be attended with great loss and inconvenience; is detrimental to the interests of other merchants, injurious to a general cargo, and cannot be too severely reprobated.

The burning of the ship *Earl of Eldon* has induced me to advert to the probable causes, and effects which have in that, and other cases, led to such a catastrophe; but, Mr. Editor, it is impossible to call to mind the loss of that ship, without endeavouring to render the tribute of praise which is justly due to exemplary skill and honourable conduct.

When we reflect on the ardent zeal, promptitude, and energy, which, under the safeguard of Almighty protection, rescued every human being embarked on board that ill-fated ship, from their perilous situation, and guided them in health and safety, from a burning wreck in the midst of the ocean, to one of the smallest islands in the Indian Sea, in open boats, and through a space of 4000 miles, we are struck with admiration at the noble and manly resolution displayed by Captain Theaker on so appalling and so an occasion. Amidst dangers and difficulties of the

imminent nature which can befall a seaman in the career of his most eventful profession, none can exceed those which are threatened when a ship is on fire !

To prove with what fortitude, and presence of mind, Captain Theaker inspired confidence, hope, and resignation under such a trial, I will quote part of Lieut. Ashton's touching narrative of the escape of the *Eldon's* passengers and crew :—

" Wet, crushed, and miserable, the night passed away, and the day broke at last, and, though the weather was still very bad, I again felt that hope, which had never entirely deserted me. A tremendous sea came roaring down, and I held in my breath with horror ; it broke right over our stern, wetted the poor women to their throats, and carried away the steersman's hat.

" The Captain then cried out, in a tone calculated to inspire us with a confidence, he afterwards told me his heart did not re-echo, ' That's nothing ; it's all right ; bale away, my boy.' He never expected us to live out that night ; but harrassed as he was in mind and body, he gallantly stood up, and never by word, or deed betrayed a feeling that might tend to make us despair. He stood on the bench that live-long night, nor did he ever attempt to sleep for forty-eight hours."

Nor is it possible to separate the high example and professional ability of Captain Theaker and all on board the *Eldon*, from that which in an equal degree was displayed through the meritorious conduct of Captain Garnock of the ship *Dorothy*, from Liverpool, bound to this port, in 1833. That ship having reached the Lat. 28° 50' south, and Long. 21° west, in July, sprung a leak. Every effort was made to save the ship, and the most strenuous exertions having failed, she was abandoned in a sinking state, and soon after went down. Captain Garnock coolly and resolutely laid his plans, and such was the happy result of his skill and judgment, that, after being exposed to every peril during 20 days and 19 nights in the ship's launch and a jolly boat, and having run 1311 miles from the spot where the *Dorothy* foundered, the whole of that ship's company were preserved from impending death or destruction, and restored to their friends and country.

A peculiar circumstance adds still more to the good fortune and discipline of the *Dorothy's* crew. Their first port was to recruit their stock of water on the Islands of near the Martin Vass Rocks. The land was

made with admirable precision, after a run of upwards of 900 miles, but every hope of succour and relief was cruelly disappointed; and having pulled through that rocky and barren cluster, with the alluring sight of a fine cascade of water pouring down the cliffs; they found on every side a tremendous surf, which frustrated their efforts to effect a landing, and they once more committed themselves to that Providence which had hitherto been their shield and support, and resigned themselves without a murmur to a still further struggle against winds and waves, bending their course towards Bahia; when, on the 3d day from Trinidad, they were rescued by Captain Palmer of the American ship *Charles Adams*, who treated Captain Garnock and his gallant crew, with every hospitality and kindness.

As the ships *Dorothy* and *Earl of Eldon* were consigned to this port, I presume to call public attention to the claims and merits of their respective commanders, under the hope and firm conviction that the community of Bombay will not allow such conspicuous merit to pass without due encouragement, and just reward.

Captains Garnock and Theaker did their duty, but surely there is a broad line of distinction between a zealous and most exemplary discharge of professional duties, under the guidance of sound judgment, consummate skill, and manly fortitude, and that which is governed by a system totally reverse, when want of confidence, and the tendency of a bad example, may produce confusion and dismay, insubordination and revolt. Preservation of life and property, and conscious integrity crown the efforts on the one side; death and destruction, misery and disgrace, are the lamentable consequences which must inevitably terminate the fate of the other.

As in every profession, distinguished merit is the theme of praise, and the object of marked distinction and reward, the merchant service of England cannot be exempt from a source of incitement so genial to patriotism, nor can that branch of our maritime strength and ascendancy fail to excite those generous feelings of sympathy and gratitude, which cling to the character of our country, more especially in British India, where the noblest impulse of the heart is in unison with that high and exalted character which constitutes the pride and boast of every liberal and manly mind.

Under the influence of these sentiments, which, I am certain, prevail very generally in favour of my brother,

manders, I venture to plead their cause and uphold their well-earned reputation, with an earnest hope that my humble endeavours may not be urged in vain, but will prove the means of rendering those individuals some public acknowledgment of their services and worth, accompanied by a testimonial that may be handed down to their posterity, as a well earned tribute, due to a skilful, zealous, and faithful discharge of the most arduous duties which can devolve on British seamen. High motives should be inculcated on all from whom we expect high duties. I propose, therefore, that an immediate subscription be opened, for the purpose of presenting a piece of Plate to each of the Commanders I have named, the subscription to be under the superintendance and patronage of the several houses of Agency at Bombay.

I may be charged with vanity and presumption in thus standing forward as the champion of the Merchant Service. I am willing to bear the brunt of such a charge; but having had the good fortune to imbibe early sentiments of professional pride and zeal for the welfare and prosperity of our common country, when under the auspices of one of the most talented and distinguished Commanders which the Naval Service of the Honorable East India Company could boast, it shall ever be my study to cherish those feelings with that watchful care which best becomes the character of a British subject, and the reputation of a British seaman.

I have, &c. &c.

CHRIS. BIDEN.

Ship Victory, Bombay Harbour, June 24th, 1835.

BURNING OF THE EARL OF ELDON.

We have been favored with the following extract of a letter from Capt. Stark, one of the passengers of the *Eldon*, containing a short but interesting account of the loss of that vessel, and the escape of the crew and passengers. No doubt can now remain as to the cause of the former event; though it is alleged that cotton has constantly been shipped here more or less wet, and that no accident has occurred in consequence. This year, however, it is a well known fact, that the high price of the article has tempted the dealer to bring it from an immense distance throughout the monsoon; and that instead of being merely damp, or wet on the outside, large quantities of the material were thoroughly drenched by the rain.

"*Port Louis, 28th October, 1834.*—I am sure you will be astonished to find me addressing you from this place. But the good ship *Earl of Eldon* is no more. She was burnt at sea; in latitude between 9° and 10° south; longitude about 77° east. The unfortunate event occurred on the 27th of September; and was caused by the cotton igniting from the damp state in which it was stowed. At first, it was only thought that the vapour, or smoke, was caused by the steaming of the cotton, which is not an unusual circumstance; but in the course of an hour or two, between 8 and 9, A. M., it was found to be actually in a state of combustion. The hatches were closed immediately in order to smother the fire, and prevent its spreading until the boats could be got out. In this we happily succeeded, as also in providing a supply of water and biscuit in case of our being obliged to quit the ship. About noon all these arrangements having been made, the main hatches were opened and presented a sight such as I hope I may not again be called on to look at. The cotton was not actually in flames, but the lashings were completely burnt through, and the bales were consequently burst. The upper deck was on fire and the smoke so dense that it was quite impossible for the men to work. Several desperate attempts were made to throw the cotton overboard, but the small quantity that could be got up at a time showed clearly that nothing but a miracle could save the ship. No exertions however were spared, and it was really wonderful to see such order and regularity observed at such an awful and appalling crisis. Each person seemed as if endowed for the moment with supernatural fortitude, and in no one were those qualities more strongly displayed than in our excellent and gallant Commander. But at half past 3, all hope of saving the ship was abandoned; the flames found their way through the upper deck, and the Captain, after addressing the crew and calling on them to stand by each other and shew themselves worthy of being British seamen, abandoned the ship. At this time we had three boats, and our numbers in each were as follows. Long-Boat, 26; Cutter, 10; Jolly Boat, 9;—in all, forty-five souls. No one was lost in leaving the wreck, but words fail me to describe the awfulness of the scene that followed as the flames gained ground and ran up the rigging, burning the sails like pieces of tinder. The vessel continued burning until about 9 at night, when the magazine blew up, and 5 or 10 minutes after, a remained of the *Eldon* was swallowed up."

"When we were about $2\frac{1}{2}$ or 3 miles distant from her, we came to the resolution of steering for Rodriguez, which, though not the nearest island, we considered to be the most easy to reach, in consequence of our being within the influence of the trade winds. For 8 days the weather continued moderate, but on the 4th, 5th, and 6th, we experienced heavy gales, with rain and violent squalls, and how the boats swam, appears now, as it did then to me, perfectly miraculous. On the 4th day the cutter split, and we were obliged to take her crew into the long boat, thereby increasing our numbers to 36 in a 23 foot boat. Of these, four were females, and one a child of 3 or 4 months old. I left the ship very unwell, and you may easily imagine that I had but little hope of ever again treading on *terra firma*. For 13 days and nights I had nothing that could be called sleep. It is true, from absolute weariness and being worn out, I was sometimes unable to keep my eyes open, but of refreshing sleep I had none. We had the burning sun during the day, and cold and wet during the night, together with a small allowance of water and provisions; and yet, notwithstanding, we all landed at Rodriguez in, I may say, good health, excepting Major Hart. As for me, I felt stronger than when I left the ship, though I could hardly stand from cramp in my legs, which I had been unable to stretch during the whole time I was in the boat. You may easily imagine our delight on reaching Rodriguez after being 13 days and nights in the boat, and traversing between 1,000 and 1,100 miles of ocean. From several French creoles resident at the island we met with a most kind and hospitable reception, and we remained with them 9 days, when we were relieved by a trading schooner, which brought us to this place."—*Courier, Dec. 27.*

LOSS OF THE SHIP DOROTHY, FROM LIVERPOOL FOR BOMBAY, 1833.

The *Dorothy*, Captain Garnock, sailed from this port on the 30th of April, and nothing material occurred until the end of June, when she became rather leaky. On Thursday, the 4th of July, she experienced fresh gales from the westward, with squally weather, when she became more leaky; and, in the course of the morning, on sounding the pump, 26 inches were found in the well. From this time both pumps were kept working without intermission, with the main-topsail close-reefed and hauled by the wind; ship's head to

the northward, being then (at noon) in latitude $28^{\circ} 50'$ south, longitude 21° west. From noon to 6 o'clock working both pumps without intermission; half the ship's company taking half-an-hour's spell at a time; leak increasing, the water in the hold being nearly up to the upper part of the keelson at 6 o'clock. At 10, A. M., the water in the hold about two feet above the keelson, both pumps constantly working. At this time some hands were set to clear away the long-boat, and the carpenter to cut away the starboard stanchions on the main deck. At midnight, the water in the hold was about four feet above the keelson, with both pumps continually going; the spell off the pumps doing the extra duty. It then became clear to Captain Garnock that there was no chance of saving the ship; and, in consequence, about 1, A. M., of Friday, the 5th of July, the long-boat was got out by launching her over the gun-wale, the stanchions being cut away. Two empty puncheons were put into the boat, which they succeeded in nearly filling with fresh water. Three barrels and two bags of bread were stowed in the boat, together with three top-gallant studding sails, some cordage, and a few small stores. A jolly-boat was also launched; and, about 3, A. M., all hands (25 souls) got into the two boats, hanging by the ship astern, waiting for daylight. At this time the water in the ship's hold was washing over the iron stowed in the main hatch, being about six feet below the beams; the ship filling fast, and straining heavily. The small boat was sent for a compass and some cordage, the water in the ship's hold being then up to her beams. As there was then no doubt that she must shortly go down, the boats cast off from her, about 8, A. M., and stood to the northward; Mr. Hughes, second mate, and five seamen in the small boat; Captain Garnock, Mr. Smith, mate, and 17 hands in the long-boat.

At noon the ship was in sight, bearing S. S. E., distant about three miles, the boats being then, by observation, in lat. $28^{\circ} 21'$ south, and long. 21° west. About 1, P. M., the *Dorothy* disappeared altogether, having gone down in lat. $28^{\circ} 24'$ south, and long. 21° west. The boats being then both rigged, stood away to the eastward, with fresh breezes from the northward during the night; and on Saturday, the 6th July, continued on their course in company; all well, with fresh breezes and fine weather; having at noon sailed 91 miles from the ship, on the course N. 66. E. On Saturday night it came to blow fresh from N. W. to W. S. W.; boats wet and taking in water; awning rigged over the

boats; and, on Sunday forenoon, 7th of July, squally weather came on with rain, when all the spare clothes were hove overboard to lighten the boats, and an account of the provisions taken, which consisted, besides the bread and water, of two small pieces of salt beef, 2 rounds of beef, 2 small hams, a few small fish, about 6lb. of cheese, a little fat, and a few onions, together with about ten gallons of rum and 15 bottles of claret. At noon this day the boats were in lat. $26^{\circ} 37'$ south, and lon. $18^{\circ} 37'$ west. From this day to Tuesday, the 16th of July, the boats kept on their course in company, standing to the northward and north-west, with moderate breezes, variable, and generally clear fine weather, steering for the Island of Trinidad (a small island off the coast of Brazil), making courses from 23 to 129 miles in 24 hours; the two or three last days having strong breezes, which enabled them to make 234 miles in 48 hours. On Tuesday, the 16th of July, they had the good fortune to catch eight small dolphins with the hook and line; which, for want of fire to cook them, were hung in the sun to dry. On Wednesday, the 17th of July, light breezes and clear pleasant weather; being at noon in lat. $20^{\circ} 59'$ south, by observation; and long. $26^{\circ} 47'$ west, by the chronometer; and Trinidad bearing N. 77. W., distance 136 miles. The boats had then sailed 838 miles from the ship in 12 days. On Thursday, the 18th, light breezes and clear weather; the latter part being calm, took to the oars. The same next day (Friday, the 19th of July), when they worked with the oars one mile and a half per hour. At daylight made Martin Vas Rocks, about 22 miles east of Trinidad, and at 8 o'clock, A. M., Trinidad was in sight, bearing W. by N. At noon, light breezes and fine weather, Trinidad bearing W. by N., Martin Vas Rocks distant 10 or 12 miles. On Saturday, the 20th of July, at daylight, the boats had hauled round the north end of Trinidad, coasting the west side in search of water; they discovered a fine run of water, but found it impossible to land on account of the surf; made several attempts, but could not effect a landing at any point. The island is situated in lat. $20^{\circ} 32'$ S., and long. $29^{\circ} 9'$ W. The attempts to obtain that essential commodity, water, were ineffectually persevered in until 3, P. M., on Sunday the 21st, when the state of the surf giving evidence of there being no possibility of obtaining water, they again placed themselves at the disposal of Providence, which had hitherto protected them, and stood away for Bahia, then N. 50 W., distant 660 miles.

At this time their stock of water was one puncheon, and the daily supply of provisions to the hands was one biscuit and a half, about half an ounce of dried round beef, a small piece of Bombay dried fish, a piece of fat one day, and a piece of cheese on alternate days, each about the size of a small walnut, with three wine glasses of water each meal. At 4, p. m., on Monday, the 22d, they lost sight of Trinidad, bearing S.E. by S., distance 55 miles, both boats in company, and all well. On Tuesday and Wednesday, the 23d and 24th of July, they continued their course, steering N. W. for Bahia, with some squally weather and rain on the morning of the latter day; when, at half-past 12, p. m., they were overjoyed at the discovery of a sail astern, standing towards them. About 2, p. m., the boats were alongside the ship, which proved to be the American ship *Charles Adams*, Captain Alexander S. Palmer, of and for Stonington, from the Falkland Islands, which she left on 3d of July. Capt. Palmer took Captain Garnock and all his crew on board the *Charles Adams*, where they experienced every possible kindness and attention from Captain Palmer, his officers, and crew, who supplied the whole of the *Dorothy*'s people with abundance of refreshments, and every comfortable accommodation, promising to land them at Pernambuco. The jolly boat was hoisted up astern the ship, and the long boat stoved and turned adrift. On Sunday, the 28th of July, at 11, a. m., the *Charles Adams* entered the harbour of Pernambuco, when Captain Palmer sent two of his whale boats on shore with Captain Garnock and his crew, except five men who remained on board his ship. Thus, after remaining 20 days and 19 nights in their boats, and running 1,311 miles from the spot where the *Dorothy* went down, were the whole of the ship's company preserved from impending death or destruction, and restored to their friends and their country.

The spontaneous ignition of coals on board the ships *London*, and *Rothesay Castle*, a few years ago, might have proved fatal, and offers scope for due consideration as to caution and prevention under all contingent dangers and difficulties which the vicissitudes of a sailor's life may occasion or call forth.—These examples are of recent occurrence, and with numerous other remarkable sea events which ought to be familiar to every naval man, combine a valuable store of practical knowledge and experience which may prove of service when they themselves may be suddenly assailed by any unforeseen peril or calamity. The

following is Captain Denny's account of the narrow escape of his ship.

"The *Roxburgh Castle* left Portsmouth on the evening of the 10th August, and had nothing but contrary winds and calms in the Channel; she did not pass the *Lizard* until the 15th, nor reach Madeira until the 27th. We sailed from thence 1st December, after delivering (fortunately) some of our coals and taking some on board. The passage from Madeira to the Cape was pretty good, and we passed it on the 12th October, but we encountered a gale at E. S. E. before we had got far enough to the northward. We had afterwards baffling weather, light airs and calms, but we succeeded in establishing ourselves in the N. E. monsoon in 10° north, 90° east, expecting to be up in a few days; but on the 5th Dec., we were thrown into the greatest state of alarm by gas and smoke coming up through all the air holes in the after cabins, and, on taking off the gunroom scuttle, a thick dense smoke came up with so much heat, as to convince us fire must exist somewhere below; of course this created the greatest possible anxiety, but every one exerted himself to the utmost in getting up the cargo out of the after-hold, and in the mean time it was deemed advisable to bear up for Madras. When we got down to the coals they were so hot that you could not stand on them until a quantity of water was thrown amongst them. I caused auger holes to be bored in the ship's side to let in water with greater facility, all the time working hard and throwing overboard the heated coals. It was not until the middle of the 6th instant that we came to, the root of the evil, though our alarm had in a measure ceased by having drowned the coals. We found in the centre of the after-hold about two feet above the kelson, a quantity of the coal burnt into cake, and one of the stantions burnt half through, *but no other damage done to the ship*. Our escape was certainly a narrow one, for a large quantity of spirits and gunpowder were stowed within three or four feet of the actual fire; one day more would in all probability have proved the destruction of us all; we can in no way account for it, beyond the coals having ignited of their own accord. When we were quite satisfied no more fire existed, we again hauled our wind after running 5° to the westward to get which back again cost us three or four days. Some destruction of property must have taken place as our decks were full for three days, though I believe nothing but the coals and some few things belonging to the ship were thrown

overboard. It is due to the officers and seamen to say they exerted themselves in the most zealous and praiseworthy manner.*

The consequences which may result from inattention to the victualling and internal arrangements on board ship, are illustrated by the following distressing narratives.

MELANCHOLY LOSS OF LIFE AT SEA BY
CHOLERA.—*John Bull.*

The ship *Brutus*, of 384 tons burden, sailed, on the 18th of May, from Liverpool for Quebec. She had on board 330 emigrants, men, women, and children, who with the crew made a grand total of 349 souls. Previous to sailing, the vessel underwent the usual examination, the crew and passengers apparently healthy. She carried an experienced surgeon, who, it is said, was well supplied with medicines, though the statements current differ on this subject. On the 27th, the ninth day out from Liverpool, a healthy man, about 30 years of age, was seized with malignant cholera. The usual remedies were used, and he recovered. The next case was that of an old woman, 60 years of age, who died in 10 hours after the attack. The ravages of the pestilence then rapidly increased, the deaths being numerous, in proportion to the cases. The greatest number of deaths was 24 in one day. The captain had not, it seems, any intention of returning to port, until the disease began to attack the crew. He then saw that to continue his voyage was to risk the lives of himself and the survivors, as well as the property intrusted to his care. Under these circumstances, his vessel, a lazarette, and men, women, and children dying about him, he resolved to put back to Liverpool. The resolution was formed on the 3d instant, and the *Brutus* reached port on Wednesday morning. Up to that day the cases had been 117, the deaths 81, and the recoveries 36. Seven cases remained when the vessel entered the Mersey, two of which proved fatal in the course of the day, making the total number of deaths 83. Among the sufferers were four of the crew. The survivors were, immediately on their arrival at Liverpool, put on board the *Newcastle*, lazaretto ship.

The case of the London, Capt. Wimble, was very similar; the coals were probably from the stock of the same Merchant, as both ships belonged to the same owners. Timely discovery on board the London also prevented any serious accident.

The passengers on board the *Brutus* found themselves with provisions. Their stock, however, though the vessel had been but 26 days at sea, was nearly exhausted,—a circumstance which would go to prove that the passengers must, in the early part of the voyage, have stinted themselves in order that the stock, which is never superabundant on board of emigrant ships, might last them till their arrival at Quebec. How far this want of proper sustenance, supposing it to have taken place, which seems highly probable, may have tended to increase the ravages of the cholera, is worthy of consideration. So short had the provisions become, that a fresh supply was required immediately on the arrival of the *Brutus* at Liverpool. The laudanum, too, was exhausted; so limited had been the quantity originally provided, or so great the quantity actually administered to the patients.

TO THE EDITOR OF THE TIMES.

SIR,

The melancholy loss of life on board the ship *Brutus*, as detailed in your paper of yesterday's date, involves matter of such serious and national importance, that I venture to offer a few observations upon the subject.

Whether the malignant disease which had such fatal effects on board that ship, proceeded from unwholesome diet, want of cleanliness, or neglect of fumigating between decks, and other essential remedies which blend discipline and good order with health and comfort, will no doubt be explained by the result of an impartial investigation. An evil fraught with such alarming consequences demands our most earnest consideration, and I do not hesitate declaring that the primary cause arises from the destitute and helpless condition in which numbers of deluded families are suffered to quit their native country. In utter ignorance of the necessaries required for a voyage, and assailed by poverty, how can it be expected that such deplorable objects will or can provide what store is absolutely essential for the preservation of their health! scanty as may be their sea-stock, an improvident expenditure, a prolonged passage, and loss by neglect, may lead to all the miseries which befell the *Brutus*.

Now I conceive the following simple remedies will tend, as far as human means can, to prevent contagious disease on board a crowded ship:—

First.—No emigrant should be received on board ship without depositing a certain sum, which, under due control, shall provide an ample stock of provisions, anti-scorbutics, and medicine.

Second.—Every emigrant shall subscribe to the rules and regulations of the ship, which demand stated hours for meals, cleanliness in berths, bedding, and person; hammocks or bedding to be taken upon deck every morning; a portion of the emigrants to be upon deck as much as possible; the between decks to be thoroughly cleared, well cleaned, and fumigated twice a week;* and if possible a place should be allotted as a sick berth, and thereby remove persons infected with contagious disease to the remotest part of the ship.

Those splendid merchant ships in the service of the East India Company convey numbers of troops and passengers, at times near 700 persons, to India, and frequently perform passages of four and five months without the loss of one man: these happy results are mainly to be attributed to that excellent system which prevails throughout the Company's service, and under the guidance of most efficient and liberal instructions, furnished by the Court of Directors. But, an experience of nearly 30 years at sea carries conviction to my mind, that the present plan of emigration is derogatory to the character of our country, revolting to humanity, and fatal in its tendency to alienate the faith and integrity of British subjects abroad and at home. Surely, Mr. Editor, it is the duty of Government to watch over the welfare of the Empire at large, and if poverty and wretchedness render exile a necessary evil, it behoves those who are at the helm of state to protect the poor and afflicted from injustice and cruelty. I am, Mr. Editor, your obedient servant,

BRONTE. †

London, June 16, 1832.

DISASTROUS SHIPWRECK—TWO HUNDRED AND TWENTY LIVES LOST.—JUNE, 1834.

The *Limerick Star* gives the names of the crew, male and female passengers, and children, of the *Astrea*. Ac-

* Rope yarns, termed shakings on board ship, supply very simple means of fumigation, by damping and then setting them on fire in stoke; the dense smoke will search every where, and by due caution there can be no danger from this plan, which I have practised for many years.

† The Correspondence bearing the signature of "BRONTE," and "TRUE BLUE," from the pen of the Editor.

cording to this, the number of the crew was 13; of the passengers, 104 were male adults, 75 females, 13 children over 7 and under 9 years, and 19 under seven years of age. Upon this calamity the *Star* observes, "The grief which prevailed on receipt of the melancholy intelligence in this city was rendered more poignant still by the fact of some of the passengers, though described in an agricultural capacity, being directly connected with Limerick. Among these we regret to enumerate Mr. William O'Donnell, son of Mr. John O'Donnell, of Denmark-street, some few years since in the hosiery and lace business in George's-street; also, Mrs. Lowe, sister to Mr. Seward, of George's-street, who, with her five children, all the victims of the catastrophe, was proceeding to join her husband in the Canadas. Doctor O'Sullivan, who was, we may most truly say, so singularly preserved, is son of the late Doctor O'Sullivan, of Rathkeale, in this county."

(From the Liverpool Standard.)

This appalling loss of life is only a drop in the bucket to the totality of destruction and suffering caused by the rotten, ill-found, ill-manned, and wretched death-ships employed by desperate adventurers in carrying emigrants nominally to North America, but generally, or at least too frequently, to the depths profound, and the coral caves of the vast Atlantic. Opposed as we are to all emigration schemes, we cannot be indifferent to the mode in which emigration is carried on. It is melancholy to see the waste of life that takes place. We are satisfied that three-fourths of all the ships which carry emigrants to America are wrecked in some way or other. The passengers of course, are not *all* drowned. Some escape, some are only ruined, some lose their all, some are maimed for life, and some are exposed to hardships on planks and hencoops, which cause or accelerates consumptive disorders, which hurry them to a premature grave. This, perhaps, is bad enough, the emigrants will say, but worse remains behind. What chance has a man who only pays thirty shillings for his passage, of ever crossing the Atlantic? The odds are against him. In moderate weather he has an even chance. In rough weather it is three to one that he never more sees land except in the long-boat, half frozen, and all but starved to death. Upon the whole we conscientiously believe that one-fourth of all the emi-

grants who sail from England, Scotland, and Ireland, for North America, *never reach their destination*. They are drowned! A line tells the fate of the ship at Lloyd's—the insurance is paid, but nobody asks a question about the passengers. *They are not insured.*

DREADFUL SHIPWRECK.—The fine ship *Shenandoah, Rose*, which sailed from Bremerhaven on the 16th of April bound to Baltimore, with 190 passengers, was cast away the same day or the following night on the Mellum, near the Bremer beacon, and went to pieces, with the loss of 30 passengers drowned! The remainder have returned to port.

—*Philadelphia Paper.*

Self confidence or neglect to the internal defence of a ship is exemplified by what befell the ship *London* last year, and especially by the remarkable case of murder and mutiny on board the *Ann*, country ship, as herewith detailed.

MUTINY—SHIP ANN.

Courier.—January 22, 1834.

A meeting of the principal underwriters of Bombay was held on Thursday last at the office of Messrs. Remington and Co., to inquire into the particulars of the daring attempt to get possession of the ship *Ann*, in the China seas, a short and imperfect notice of which we published some time since. Upon this occasion the owners laid before the meeting a letter from Captain Allen, giving a detailed account of the transaction, and it was unanimously resolved to present him with a piece of plate worth 200 guineas, as a mark of respect and admiration for his cool and intrepid conduct in one of the most difficult situations it is possible that an individual could have been placed in. The following is his letter, to which a reply from the underwriter is subjoined.

To the owners of the Ship "Ann."

“**GENTLEMEN,**—Agreeably to your request I now detail the particulars of the late occurrence on board of the *Ann*.

“On Thursday the 21st November last, we sailed from Lintin, bound for Singapore and Bombay. At 30 minutes P. M., the pilot left the ship in Macao Roads. At 5h. 10m. P. M., the Peak of Ladrone N. E. Centre of Tyloo, N. W. by N. $\frac{1}{4}$ N. steering S. S. W. At 5, A. M., or thereabouts, the following morning, I was awakened by hearing Mr. Mullett, the Chief Officer, (whose watch ~~was~~ deck it was) cry out, “O! Captain Allen, I am stabbed to the heart!” I

was sleeping in the larboard poop after-cabin. I immediately went out into the cuddy to proceed on deck, but had made only a step or two, when I saw Mr. Mullett close to the cuddy table, followed by the carpenter's mate, who was crying out that he was cut in the belly, and a little behind them was the gunner. All of them were pressing forward towards the door of my cabin, and the gunner on seeing me called out, in broken English, 'I want you.' Mr. Mullett seemed to be on the point of falling, and also the carpenter's mate. I pulled each of them into my cabin, within which I retreated and succeeded in shutting the door against the gunner, who made an effort to force it. I called out to him in threatening language, and he turned about as if to go out of the cuddy. On his way he stabbed two of my servants, who were sleeping near, and had been aroused by the noise. I ran round to the front door of the starboard after cabin, thinking to get out in time to seize the gunner before he left the cuddy but perceiving he was nearly out, and that a seacunny was at the doorway close to him, and also that it was very dark on deck, I thought it more prudent to get possession of the poop by going through the quarter gallery window from my cabin; and I succeeded in doing so, before the gunner, who I saw about the foot of the ladder, as if he had intended coming up. I then saw him go forward, and I went down immediately on the quarter deck, and found the ship hauled up considerably to the eastward, on which I put the helm hard up, and threatened the seacunny who was steering, with death, if he did not keep the ship her course, and asked him who had killed the chief mate, and if it was the gunner? He gave me a laughing evasive sort of answer. During this interrogation, I perceived the gunner coming aft very quickly. I stepped a little on one side to keep clear of him, and he seemed to make a sign to the seacunny at the wheel, and ran forward again. On observing the seacunny ease the helm down, I threatened him and went forward towards the main-hatchway to ascertain who was doing all the mischief, calling several lascars and tindals whose names I knew; but getting no answer, and not seeing any one, I went further forward into the starboard waist and then heard the groans of several men under the forecastle. I then returned aft towards the main hatchway, and called out to the people to rally and destroy the person or persons who had stabbed them, but I got no answer. I then perceived the gunner aft on the larboard waist, and I kept parallel to him until on the quarter deck,

when he stopped, and turned himself forward, there flourishing a dagger, and saying in his own language, I have got you all in my hands, and will serve you out presently. I now was certain the gunner was the principal or head of the business, and thinking the seacunnies were concerned (none of whom I had seen excepting the man at the helm, and the man who stood at the cuddy-doorway on the alarm being first given, but the latter of whom I did not afterwards see), I jumped down the after scuttle into the gun-deck to ascertain if the arm chest which was there, was still secure. Finding it secure, I tried to break the lock off to arm myself, and not being able to effect this, I went up on deck again; and just as I had got up, I perceived that the seacunny who was steering had been forward, and that the gunner was running aft, and got close to the capstan. On seeing me he stopped short, and being now certain it was he who had stabbed several men, I called out to the seacunny, as the gunner was going towards him, not to mind the helm, as the gunner would stab *him*; but to my great surprise, they conferred together, and the ship was still kept put out of her course. I think, however, they both suspected I had been able to arm myself, for the gunner made two or three steps towards the ship's side clear of me, and went forward. I think he heard some lascars, and I thought so too, and I went forward to encourage them to seize him. It appears they escaped into the fore channels, and got up the rigging, and the gunner came aft again, on which I went on the poop to see if any one was secreted about the hencoops and hailed the mizen top, but without getting an answer. On looking up I saw a lascar running up the mizen rigging with a boat's oar, and I ordered him to come down with it; but as he continued running, I jumped on the hencoop, and caught hold of the lower part of the oar, and pulled it out of his hand, on which he came down also, and I had just time to give the gunner a blow with it on the head, as he got nearly to the poop ladder, which staggered him, and he fell against the capstan, but soon recovering, he went forward and I followed, telling the lascar to keep possession of the oar. The gunner remaining some time forward, and neither seeing or hearing any lascar, I returned to the poop, and found the Lascar with whom I left the oar, gone; and I afterwards found he had taken the oar away with him at this time. On looking over the ship's side, I saw Mr. Tudor, the second officer (who had

been asleep in the steerage on the gun deck) coming out of the lower quarter-gallery. After he had joined me, only a few words had been exchanged between us, when I perceived some one coming aft along the quarter deck, and I said to Mr. Tudor, there is some one at last, for I have been about half an hour and have not seen a soul, excepting the gunner and the seacumny at the helm. As the person came nearer, I hailed him, asking who he was. He put his hand to his side, and said more than once, in a tone of voice as if he were wounded or sick, "Ata Sahib,"—I am coming Sir. Thinking from the dress of the man, which appeared dark, and unlike the gunner's, that he was one of the topasses, who might have been wounded, I went to the poop ladder to assist him up, and when close to the ladder, Mr. Tudor said, It is the Gunner. I replied, how do you know, for I have seen him dressed all along in white, without either hat or shoes? He answered by saying he knew him from the hat he wore, as it was one that had been given to him by Mr. Heron (our late third Officer, who died at Whampoa a few days before the ship sailed.) On this I looked close to the man's face when he was nearly up the ladder, but he popped his head down, and my suspicions being now raised, I told Mr. Tudor to keep clear, and I walked backwards facing the man till I came close to Mr. Tudor, when the man stopped between both of us and facing us. On his putting up his hand to his eye, by which he raised his hat a little, I saw his face, and pushed Mr. Tudor, saying "keep clear, it is the gunner." Before I could get the latter words out, he made a stab at Mr. Tudor, which went through his left arm, and another at me, which touched me slightly on the right arm, and by jumping on the hencoop, and making two or three steps up the mizzen rigging, I avoided another blow he aimed at my back. I then hailed the forecastle and inquired if the syrang was dead, and if they were not ashamed of themselves, as I knew there must be about 30 of his gogo men, and why they did not rally, as I had got the gunner on the poop with me. He answered me for the first time, saying he could not find any one. I told him to muster a few hands immediately, before the gunner got forward, and stand by to destroy him. The gunner on hearing these orders, left me, and proceeded forward quickly; and while he was getting up the forecastle, the syrang (who had succeeded in getting two men to stand by him) threw an empty China jar at his head. He made

no further attempt on the forecastle, but turned about to come aft and endeavoured to stab a tindal in the long boat, who heard him call down the main hatchway to the seacunnies, abusing them for not coming up. He came on aft, in a rolling manner, as I thought to deceive me again, but now he was in the dress I had seen him in at the beginning, all white, and without a hat. As he made for the poop I struck him with a poop awning stanchion, and he dropped flat on his face, close to the ladder, when I struck him on the head two or three times as hard as I could, and called out that I had got him down: but some time having elapsed, and there being no appearance of any man coming, I thought before he could recover, I would try to secure him myself, but when I had got half-way down the poop ladder, I perceived the seacunny at the helm coming towards me, on which I jumped up again on the poop, and seized the stanchion to be ready in case he made an attack. However, shortly after I got up, I saw two men coming aft towards me, who turned out to be the syrang and a tindal. The former struck the gunner a violent blow somewhere about the shoulder, with a handspike, and after cutting the dagger out of his hand, to which it was strongly lashed with sennet, made of the ship's sewing twine, we secured him on the poop. By about this time the day was beginning to dawn, and after mustering a few good lascars, I went down the main hatchway to see if the seacunnies were armed, or had any arms in their chests. I found none. I then turned the hands out, and secured the seacunnies as I had strong suspicions they were concerned with the gunner. A tindal, who was in the long boat, said the gunner called them on their first going forward, saying, I have killed them all now, come up. He did the same a second time on going forward again.

The circumstances which occurred previous to my being awakened, are as follows, according to the report of one of the lascars of the watch. Mr. Mullet, soon after his watch on deck had begun, and the second officer whom he had relieved, had gone below, went to look out at the weather gangway, and whilst he was doing so, the Gunner went gently behind him, and threw out his arm first on one side, and then on the other side of his neck, and seems to have been prevented striking him at the time by Mr. Mullett's suddenly turning round to go aft again, apparently without noticing there was any one near him. The gunner then went and sat down on the booms, and shortly afterwards

went along the quarter deck, without his hat, shoes, and pea-jacket, and got under the larboard poop ladder, where he could not be very well recognized, and might be taken for a lascar. Mr. Mullett, after going aft from the gangway, had walked (as he was accustomed to do) to and fro across the quarter-deck, just in front of the binnacle, for a quarter of an hour, when he stopped at the binnacle, in consequence, as it is conjectured, of the ship being brought up in the wind all of a sudden (which was the fact, as I noticed the noise of the sails flapping at the moment I awoke), and whilst his attention was thereby drawn to the compass, or to the sails, the gunner came out from beneath the ladder and stabbed him. I have not been able to get any satisfactory information respecting the carpenter's mate, but it was his watch on deck, and as he was the next person stabbed, he must have been somewhere near Mr. Mullett.

After the seacunnie^s were confined, and some other necessary arrangements completed, I ascertained, that altogether thirteen persons had been stabbed, six of them mortally; namely, Mr. Mullett, who must have died immediately he entered my cabin, the carpenter's mate (a Parsee) who died in about two hours afterwards; a Parsee passenger, who appears to have been stabbed as he was coming up the after scuttle, at the commencement of the business, and who must have died almost instantly, and three lascars, who died before we reached Singapore. The wounds of the other persons, excepting one, were of a very serious nature, and made me very apprehensive for their lives for some days, but they have all since pretty nearly recovered, excepting Mr. Tudor, whom I was obliged to leave at Singapore, as his wound proved of such a kind as to render it most likely that amputation of the arm would be necessary.*

The gunner was insensible when carried up to the poop, but afterwards recovered a little and remained much in the same state, until the third morning after the occurrence, when he died. He had been in the ship for about seven years, first as a seacunny, and afterwards as gunner, which situation I gave him, on account of his good conduct early in 1828. He was by far the best gunner I have sailed with, and I do not recollect I had ever occasion to find fault with him, excepting once, just before we last left Whampoa,

* Mr. Tudor died from the effects of this wound a few months afterwards.

when he was detected in making the seacunniess drunk with the ship's spirits. I know that he stood equally high in the estimation of Mr. Mullett, who had been in the ship with him for upwards of five years, and I cannot call to mind that he ever made a complaint of him; on the contrary, he always spoke to me of him in the highest terms, the one instance above-mentioned excepted.

On a further examination of the seacunniess' berth, there was found in one of their hammocks, and rolled up in a pair of trowsers, a China chopper, made very sharp, also between the ship's side and some cassia chests, a dirk, and some days subsequently a considerable quantity of loose gunpowder was found underneath the outermost chest of 40 chests of fireworks stowed abaft the berth.

WILLIAM ALLEN,

Bombay, 9th January, 1834.

LETTER FROM THE UNDERWRITERS OF BOMBAY.

To Capt. W. Allen,

Commanding the Ship Ann, Bombay.

DEAR SIR,—Having had a statement submitted to us of the formidable attempt made on board of the *Ann* to gain possession of the ship while on the voyage from Whampoa in China, to this port, on the 22d November last, we beg to address you on the occasion, and to offer you our unqualified approbation of your firm and manly conduct in the trying situation you were unfortunately placed, by the murder of your chief officer, and four of your crew, with the second and a like number of the ship's company badly wounded, while from the remainder you met with no aid; and we do not hesitate to state that you alone, by your cool and fearless bearing throughout the daring attempt, were the humble but intrepid agent who overpowered the assassin, preserved the lives of the many who escaped and rescued from destruction the ship and her valuable cargo.

As a token, and to record the sense we must ever entertain of conduct so highly meritorious, we beg your acceptance of a piece of plate of the value of 200 guineas, which we shall direct to be prepared for you, and it is our wish that the following inscription appear upon it:—

“Presented to Captain W. Allen of the ship *Ann*, by the Underwriters of Bombay, in token of their sense of his intrepid and highly meritorious conduct in quelling a formid-

able attempt made in the China seas, on the 22d November, 1833, to gain unlawful possession of that ship.

We remain, &c.

Forbes and Co. Secretaries, Bombay Insurance Company.	Remington and Co. Agents of the Canton Insurance Company.
Forbes and Co.	Leckie and Co.
H. P. Hadow, Secretary, Bombay Insurance Society.	Roger de Maria and Co.
Remington and Co.	Jamseljee, Jejeebhoy, and Co.
	Framjee, Cowasjee, and Co.
	Bombay, 17th January, 1834.

TO THE EDITOR OF THE COURIER.

MR. EDITOR.—The horrible and most lamentable catastrophe which lately befell the officers and crew of the ship *Ann*, fills every mind with grief and indignation, and calls aloud for all possible inquiry, and the utmost scrutiny and vigilance in the future control and management of the country service.

A subject of such deep and paramount interest demands the most impartial research, involving, as it evidently proves, the welfare and prosperity of merchants, underwriters, and shipowners.

Impelled by no other motives than those which embrace the general good of all parties, and with an anxious desire to uphold the character of the Mercantile Marine, on which mainly depends the grandeur and stability of the British Empire, I shall endeavour to unfold causes and effects which operate with a fatal tendency to deteriorate, and undermine the zeal and integrity of the whole Merchant Service.

The consequences which have already ensued from mismanagement and misrule in the commerce of our country have too often passed unheeded; offences escape with impunity, and the non-existence of a maritime law casts the whole profession into difficulties and danger.

It is only when piracy, mutiny, and crimes, such as stained the decks of the *Ann*, take place, that public feeling is roused to a sense of these evils, and the magnitude of perils incident to a sea life.

In the first place, and with reference to the whole subject, it is too evident that a new system has invaded the merchant service; a narrow minded policy has violated old rules, and old principles.

Commanders and officers are placed in high and peculiar situations of trust and responsibility; for who can contemplate, the command and charge of lives and property, with-

out a thorough conviction how high, and how responsible is the trust? But the authority which confers these offices, is too often regardless of the consequences, although so much is at stake in the issue.

One ship is ill commanded through the influence of a cheap bargain with the owner, and ignorance and imbecility supplant skill and judgment; another is provided with inexperienced, or badly trained officers, who have neither conduct nor discretion for their guide: and some ships are inadequately manned: the sum total of these evils is, the subversion of all essential discipline! There is another serious, and a glaring source of mischief, implanted by the same practice of ill-judged economy. Ships are launched upon a long voyage, with a scanty supply of provisions; and these are too frequently of a bad quality; recent occurrences have proved, that this neglect to the calls of justice and humanity, has led to disaffection and insubordination. There should be one scale of provisions throughout the merchant service, upon the same liberal system as is now in practice in the Navy, and every owner should be bound to supply them pure and wholesome; but at present this measure, on which depends the health and comfort of a ship's company, is governed by individual will and caprice.

A *Temperance Society* extends its influence on board some ships, and the hardy tar is deprived of his well earned grog, with perhaps no other beverage than unfiltered water, while his commander and officers indulge in liquors more congenial to their taste. Too much grog is bad, but none is infinitely worse; this question should be governed by our own habits and feelings.

Now, Mr. Editor, let us inquire into the past and present state of the country service. In reviewing the past, we cannot withhold our need of praise; the skill and efficient order displayed throughout that respectable branch of the merchant service has long excited universal admiration, and reflects the highest credit on the Commanders and officers. These high pretensions attach with equal merit to the present establishment, through the zeal and attachment of many able and experienced commanders to their employers;—caution and discernment are however necessary to uphold these principles, and sustain this reputation.

Are the pay and perquisites of Commanders in the country service equal to a former scale, or do they bear proportion to the immense charge and responsibility devolving upon so few in number of a country ship's crew?

Do the commanders receive any gratuity for treasure, on freight, as is customary in the Navy and the Honourable Company's service?

Is the number of Officers equal to the support which commanders of such vessels ought to have, and cannot a more efficient, or a more respectable class of petty officers be trained for that employ?

These are questions which those who are better acquainted with the country service than myself, can satisfactorily answer. When we reflect upon the wealth with which so fine a class of ships are burthened in their annual voyage to and from China, and when we bear in mind how marvellously few Europeans preserve, control, and navigate them, we are perfectly astonished how seldom accidents occur, and how rare it is that any disaster happens to these ships.

But when we contemplate the miracle which by providential care was interposed for the safety of the *Ann*, we at once revert to the inadequate means possessed by her commander for the preservation of such a valuable ship.

Had the vile assassin, who, like all such cowardly ruffians, stab in the dark, added Captain Allen to the number of devoted victims which fell beneath his dagger, the *Ann* would have crumbled under the flame trained for her destruction, her treasures would have spread amongst a horde of pirates and miscreants who infest the Eastern Archipelago, and the remnant of her crew, would have either fallen under the merciless hand of the murderer, or passed into irretrievable captivity and slavery!

The cool, resolute, and manly bearing displayed by Captain Allen frustrated the diabolical scheme of a reckless villain; his conduct is above all praise, and while we lament the melancholy fate of his shipmates, we rejoice at the preservation of the *Ann*, her gallant Captain, so many lives, and so much valuable property.

Let us indulge every hope that all which talent and judgment, aided by practice and experience can devise, will speedily be put into force to prevent the recurrence of so dreadful a calamity. Justice and liberality will plead the cause we advocate; and the wealth and distinguished character of the merchants and ship owners of India, are the surety we have for a just and impartial result.

I have the honor, &c.,

TRUE BLUE.

Bombay, 8th January, 1834.

REMARKS.*

Sufficient for the present is the evil thereof. The case of the ship *Ann*, though not amply detailed to the public, for reasons best known elsewhere, is one which cannot fail to excite the most serious cause for alarm; and requires a prompt and vigorous control in the future management of the country service.

Commanders of country ships should be armed with sufficient powers to quell every symptom of disaffection, and to subdue every possible attempt to subvert their authority.

The same vigilant control is necessary to watch over the external means of defence possessed by those ships, or they will fall an easy prey to pirates as well as mutineers!

To the several questions which have been urged I must say, that the commanders and officers in the country service, are neither liberally, nor are they adequately rewarded for the duties and responsibilities which attach to their respective stations.

The commanders receive no freight for treasure; and yet it has ever been held as sound policy, that when increased anxiety, high trust, and inviolable integrity are called in aid, the remuneration should be commensurate, and why the country service is exempt from so just a claim I cannot conceive.

The number of officers is not equal to the duties required, and to the support due to the efficiency and command of such large and valuable ships.

If a more eligible description of petty officers cannot be found, which is a doubtful question, they ought to be better encouraged by additional pay and allowances. I am, however, of opinion, that a superior class of gunners, helmsmen, &c., may be trained, and bound by such a tenure as will insure faithful services.

Having considered these questions under the guidance of inquiry and current opinion relevant to the whole subject, I regret to say a measure is either now in force or is seriously contemplated by the merchants and shipowners of this port, which will have a direct tendency to cramp the energy, lower the respectability of the country service in general estimation, and create a spirit of ill-will and discontent throughout all classes.

This scheme, governed by ill-judged economy, reduces the pay, perquisites, and allowances of commanders, officers,

* These remarks were published before Captain Allen's statement issued from the press.

and petty officers, whose zeal and attachment to their employers may thereby be shaken, and yield to a rankling feeling of disaffection. A want of unanimity speedily incites a spirit of insubordination, and when once the reins of discipline give way, one evil is quickly followed by a greater.

A preventive and restraining influence should promptly and generously intervene, and before another ship quits this harbour for China, all grievances should be redressed, efficient power and authority should be established, and that incentive to a zealous and cheerful performance of every line of duty which devolves upon officers and seamen, should be dispensed and proclaimed by a just and liberal policy, which is the most prudent, the safest, and the best. The high and responsible duties, the great and important trust confided to Commanders, should be guarded with vigilance and circumspection.

Life, property and reputation, are now at stake. The fiat is in the hands of those who govern; the risk and responsibility falls upon those who are bound to obey.

Bombay, 17th Jan. 1834.

C. B.

MURDER ON THE HIGH SEAS.

A most atrocious murder has been committed on the high seas. Captain Eves, of the brig *Matilda*, bound from Liverpool to St. Thomas's, was brutally assaulted on the 10th of April, when in lat. $37^{\circ} 42'$ N., long. $15^{\circ} 46'$ W., by Robert Chemanes the ship's carpenter. The man had manifested feelings of insubordination for some days previously, declaring, on one or two occasions, not to obey orders. On the day of the melancholy catastrophe, he did not appear on deck, and the Captain ordered the mate to ascertain the reason. He pleaded illness: and Captain Eves immediately went forward to ascertain his complaint, and while going down the forecastle, found himself murderously attacked by Chemanes, who was armed with an adze. The Captain received a desperate cut in his thigh, which laid it bare to the bone. The whole was the work of an instant. The mate and others were down the ladder in a few seconds, and they found the unfortunate master lying bathed in his blood. The wretch was instantly disarmed and placed in irons, and his victim languished in torments till the 15th, when death terminated his suffering. The command of the vessel devolved

upon the mate, Peter Johnstone, and he steered for Madeira, where, in consequence of the unfavorable state of the weather, he did not arrive till the 17th. He immediately went on board his Majesty's ship the *Stag*, Captain Sir T. Trowbridge, in order to have his directions respecting the removal of the murderer to England. Sir Thomas referred the mate to the English Consul, but the Health Officer would not allow any communication with the shore without bringing the vessel to anchor; she in consequence proceeded to St. Thomas's, with the prisoner on board in irons.—*Liverpool Advertiser*, 1832.

The heedless and culpable neglect to the safety of lives when the wreck of a ship is inevitable, is forcibly illustrated by the shocking catastrophe which the subjoined account unfolds.

THE LOSS OF THE FEMALE CONVICT SHIP, "THE AMPHITRITE," OFF BOULOGNE.—1833.

This horrifying event took place on Saturday night, and every soul on board, with the exception of three seamen, perished in the merciless waves. The *Amphitrite*, Captain Hunter, who was part owner, took in 125 female convicts at Woolwich a short time back, and sailed from thence on the 25th of August. The crew, as far as we can collect, consisted of sixteen seamen, and the whole was under the control of Mr. Forrester, as Surgeon-Superintendent, according to the usage of the transport service. Mr. Forrester was accompanied by his wife, having obtained special permission from the Admiralty for that purpose. In addition to these persons, we learn that there were between twenty and thirty children on board, who had been permitted by the Government to accompany their parents. The following are the accounts which have been given of the dreadful tragedy which were furnished by correspondents in Boulogne:—

"When the ship arrived off Dungeness, the gale of the 29th began. On Friday morning the Captain hove the ship to, the gale being too heavy to sail. The vessel was about three miles to the east from Boulogne harbour on Saturday

* It appears to me medical officers have too much control over the management of these transports; two Captains in one ship will never do, and I fear the evil result of this affair was in a great measure caused thereby.

at noon, when they made land. The Captain set the main topsail and foresail, in hopes of keeping her off shore. From three o'clock she was in sight of Boulogne, and certainly the sea was most heavy, and the wind extremely strong; but no pilot-boat went out to her, and no life-boats or other assistance were dispatched. About half-past four in the afternoon she came round into Boulogne harbour, and struck on the sands. It appears from the statements of the three men who have been saved out of the crew, that the Captain ordered the anchor to be let go, in hopes of swinging round with the tide. In a few minutes after the vessel had gone aground, multitudes rushed to the beach, and a brave French sailor, named Pierre Henin, who has already received the thanks of the Humane Society of London, addressed himself to the Captain of the Port, and said that he was resolved to go alone, and to reach the vessel, "in order to tell the Captain that he had not a moment to lose, but must, as it was low water, send all his crew and passengers on shore. As soon as she had struck, however, a pilot-boat, commanded by Francois Heuret, who has on many occasions shown much courage and talent, was dispatched, and by a little after five came under her bows. The Captain of the vessel refused to avail himself of the assistance of Heuret and his brave companions; and when a portion of the crew proposed going on shore, the Captain prevented them. Two of the men saved, state they knew the boat was under the bows, but that the rest were below, making up their bundles. The crew could then have got on shore, and all the unfortunate women and children. When the French boat had gone, the surgeon sent for Owen, one of the crew, and ordered him to get out the long-boat. This was about half past five. The surgeon discussed the matter with his wife and the Captain. They were afraid of allowing the prisoners to go on shore. The wife of the surgeon is said to have proposed to leave the convicts there, and to go on shore without them. In consequence of this discussion, no long-boat was sent out. Three of the convict women told Owen that they heard the surgeon persuade the Captain not to accept the assistance of the French boat, on account of the prisoners who were on board. At six o'clock, Henin went to the beach, stripped himself, took a line, swam naked for about three quarters of an hour or an hour, and arrived at the vessel at about a little after seven. On touching the right side of the vessel, he hailed the crew, and said, 'Give

me a line to conduct you on land, or you are lost, as the sea is coming in.' He spoke English plain enough to be heard. He touched the vessel, and told them to speak to the Captain. They threw (that is, some of the crew, but not the Captain or surgeon) two lines, one from the stern and the other from the bow. The one from the stern he could not seize —the one from the bow he did. He then went towards the shore, but the rope was stopped. This was, it is believed, the act of the surgeon and Captain. He (Henin) then swam back, and told them to give him more rope to get on shore. The Captain and surgeon would not. They then tried to haul him in, but his strength failed, and he got on shore. The female convicts, who were battened down under the hatches on the vessel running aground, broke away the half-deck hatch, and, frantic, rushed on the deck. Of course, they entreated the Captain and surgeon to let them go on shore in the long-boat, but they were not listened to, as the Captain and surgeon did not feel authorized to liberate prisoners committed to their care. About seven o'clock the flood-tide began. The crew, seeing that they were no hopes, clung to the rigging. The poor women and children remained on deck, uttering the most piteous cries. The vessel was about three-quarters of a mile from shore and no more. Owen, one of the three men saved, thinks that the women remained on deck in this state about an hour and a half. Owen and four others were on the spars, and thinks they remained three-quarters of an hour, but, seeing no hope of being saved he took to swimming, and was brought in a state of insensibility to the hotel. Towsey, another of the men saved, was on a plank with the Captain. Towsey asked who he was? He said, 'I am the Captain,' but the next moment he was gone. Rice, the third man, floated ashore on a ladder. He was left when the other men took the raft. When the French pilot-boat rowed away after being rejected by the Captain, he (Rice) saw a man waving his hat on the beach, and remarked to the Captain that a gentleman was waving to them to come on shore. The Captain turned away, and made no answer. At the moment the women all desapeared the ship broke in two. The scene presented in the port of Boulogne on Saturday morning baffles any description—corpses strewed here and there along the beach and each advancing wave poured forth from its bosom some fresh victim of the frightful calamity. Sixty bodies had been

washed on shore, one presenting the appalling spectacle of a child, whose mouth was fast locked in the nipple of its young mother's breast. Under the direction of Mr. Hamilton, the bodies were, during the night of Saturday, brought to the rooms of the Societe Philanthropique."

A correspondent at Boulogne says:—"As soon as the vessel broke in two, the French Marine Humane Society placed hundreds of men on the beach; and the office or lodging being close to the shore, as soon as the corpses were picked up they were brought to the rooms, where I assisted many of my countrymen to restore them to life. Our efforts were fruitless, except in the cases of the three men, Owen, Rice, and Towsey. I never saw so many fine and beautiful bodies in my life. Some of the women were the most perfectly made; and French and English wept together at such a horrible loss of life in sight of—aye, and even close to—the port and town. Body after body has been brought in."

Another Correspondent says:—"The examination of the men who have been saved has already shown the deplorable nature of the transport or convict system. Young girls—young women for small offences—females who might have been easily reclaimed, and led back to the paths of virtue—were all stowed together with twenty hardened and most abandoned criminals from Scotland, whose swearing, whose disgusting language, and violent conduct, rendered the ship the scene of constant outrage and disorder. Never was so scandalous a want of attention manifested to the classification of prisoners as that exhibited in the case of the female convicts on board the Amphitrite. The conduct of the Captain was also most extraordinary. When he saw he must of necessity be driven on shore, instead of taking the necessary steps to drive up as high on the beach as possible, he threw out his anchor, and did not cut away any of his masts. He fired no signal of distress, hoisted no colours, and showed no light; but appeared to abandon himself to the sole hope of getting off with the flood tide—a hope which was perfectly absurd, placed as the vessel was with a tremendous gale blowing on the shore, and in the midst of the breakers. The conduct of the crew was bold and faithful, but their obedience was so slavish as to ensure the destruction of the vessel. They would not leave the Captain; this was right; but they ought, at least, to have endeavoured to save the prisoners. Both Heuret, the pilot, and Henin, the master of a fishing-boat, agree in stating, as well as the

three survivors of the crew, that it would have been most easy to have saved the lives of all, if proper steps had been taken."—*Bell's Life in London, September 8.*

THE LOSS OF THE AMPHITRITE.

Official Report of the Investigation into the Conduct of the Consul at Boulogne on the Affair of the Amphitrite.

Boulogne, Sept. 18.

Sir,—Having closed a most diligent and patient inquiry into the conduct of William Hamilton, Esq., His Majesty's Consul at this place, connected with the wreck of the Amphitrite transport, I beg to report my opinion thereon for the information of my Lord Commissioners of the Admiralty.

The charges brought against the Consul may be classed as follows:—

1. An indifference as to the commercial interests of England, not by looking to the state of the weather on the day of the wreck, inasmuch as he made no inquiries as to the fate of a steam-vessel that left the port the evening previously, and by not establishing the means of having information given him when any British vessels might be in distress.

2. In not being present to offer rewards to any person who would carry an order off to the Captain of the ship to land with his crew.

3. That although he was made acquainted that a British ship was on shore, at 20 minutes after 7 o'clock, he did not appear on the spot till a quarter before 11, and then was dressed as for an evening party.

4. That if he had been present, and used his best efforts, he might have been able to have saved the whole of the crew and the convicts; or, at any rate, to have rescued a great number from drowning. Upon these charges upwards of 50 witnesses have been examined, and I shall endeavour to give a summary of their evidence, as it bears upon each separate charge.

Upon the first, it is proved that the Consul was down at the port early in the morning on the day of the wreck, making very anxious inquiries as to the probability of the safety of the steamer that had sailed the previous night. It is also proved that on all occasions of foreign vessels being in distress, the French authorities send notice to the respective Consuls. Upon this occasion it was not known

till the return of Henin and the pilot-boat, at near 7 o'clock, that it was a British ship. The Commissaire de la Marine was very ill, confined to his house, and the Lieutenant du Port, who was on the beach opposite to the ship, forgot to do so in the anxieties of the moment, and the feeling that no further aid could be given. Also, that the house of Adams and Couch, who are the Agents for Lloyd's, and who generally obtain the earliest intelligence, always give information to the Consul, and did so upon this occasion, one of the partners going up with it himself, and reached the Consul's house in less than a quarter of an hour after a note sent by Mr. Wilks, and when he found the Consul dressing himself to go down to the beach.

Upon the second, it was never doubted that the crew (who were known to be in such imminent danger by everybody on shore) would have been too happy to have accepted the assistance offered, and no person would have thought it necessary to send an order off for the crew to land, and that, too, when it was not known to what nation she belonged; and when it did become known, it was then too late, the time for all human aid had passed, and no reward would have tempted any persons to have made the trial. Rewards were offered by Mr. Hawes and Mr. Wilks, but in vain.

Upon the third, it is proved, that it was about a quarter before 8 o'clock a note from Mr. Wilks arrived at the Consul's house, situate nearly in the centre of the two towns, which was the first intimation that the Consul had of a ship being on shore. It should here be observed, that although there are about 50 British naval and military officers residing at Boulogne, in all parts of the town, I have not been able to discover a single individual who knew of the circumstance at the time it occurred. It is also proved the Consul dressed himself in a rough, shaggy coat and cloak, with strong boots and a cravat over his face, as he usually did when he went on similar occasions; that he lost no time, although informed by the agents for Lloyd's that he could be of no use for two hours, but quitted the house for the beach at a quarter past 8 o'clock, and that he was on the beach before the vessel went to pieces, and before any of the bodies were washed on shore, and attended there till past two o'clock in the morning, rendering such assistance as he could on so distressing an occasion.

Upon the fourth, it was not known, till the bodies were washed on shore, that the ship had convicts or passengers

on board. Every preparation was made for the crew at the Humane Society's house, as the destruction of the ship was inevitable. Every thing was done by the French authorities that is usual on such occasions, and all agree it would have been impossible to have used torches from the state of the weather, it blowing a tremendous gale of wind, and also that the loss of a single life cannot be attributed to the want of conduct in the Consul.

From the foregoing established facts, I beg to state, as my conscientious opinion, that William Hamilton, Esq., His Majesty's Consul, is most fully and entirely exonerated from all and every charge and imputation made against him; and I feel it my duty further to add that the testimonials of his conduct, as a public officer, reflect great credit on him.

In conclusion of this most melancholy subject, I beg leave to add, as some consolation to the relatives and friends of the unfortunate sufferers, that they may be assured all was done to save and to restore life, that medical aid was not wanting, there having been (to the credit of the gentlemen of that profession in this place) not less than seven giving their assistance; the convenience and comforts of the Marine Hotel were immediately thrown open by the open-hearted proprietor, Mr. Barry; and there were some of our own countrywomen, Mrs. Austin, Mrs. Curtis, Mrs. Jeffry, and Miss Hawes, with their servants, who, setting aside that which would have been false delicacy on such an occasion, and with firmness of mind, notwithstanding the horror and heart-rending scene that had so suddenly burst upon them, undertook all the offices of most kind and tender nurses.

I have, &c.

H. D. CHADS, Captain, R. N.

The Hon. George Elliot, C. B., &c., Admiralty.

The disgrace which must ever attach to seamen who pass others in need without offering assistance, claims some attention; through *occasional* recurrences of such shameful neglect; that I am induced to insert a letter I myself addressed to the Editor of the *Bombay Courier*, on the subject, when the conduct of the Commander of a ship then in the harbour was under discussion; his however was the fault of the head and not of the heart, an error of judgment.

TO THE EDITOR OF THE BOMBAY COURIER.

SIR,—In justice to the character of the Merchant Service, and especially, as regards the reputation of British Seamen, I do not hesitate to give you as my opinion, that it is the bounden duty of every master and commander of one vessel to aid and assist another in distress. He is bound by the dictates of humanity and justice to ascertain, as far as human means are capable, the real position of vessels stranded, or the wants of ships in apparent distress: to render every possible assistance, for the preservation of life and property, to stay by ships which have sprung a leak, or are dismasted, until the probable danger is overcome, or effectual succour is rendered. With respect to imaginary risk being incurred by such services, or the policies of insurance being vitiated thereby, such apprehensions sink in comparision with that noble sense of duty inherent in the breast of British seamen, when lives and property are at stake.

When by neglect or error of judgment we pass by a wreck or a ship in distress we should reflect that by excess of zeal and caution for the interest and welfare of *our own employers*, how materially we sacrifice the interest of other *Merchants and Underwriters*, and how still more bitter the reproach, should it be brought to light, that some of our fellow creatures have witnessed our desertion and neglect in despair, and have suffered all the horrors of a lingering death!

Many cases are on record of the most fearless intrepidity being displayed, whereby ships, lives and property have been extricated under the most trying circumstances, and when every peril to which a sailor's life is incident has been set at nought.—These noble acts have been rewarded, and so such deeds ever will.

But where, Mr. Editor, is there one instance recorded of insurances being void, or of Merchants and ship owners sustaining any loss by the performance of such duties, which I contend must ever be held as ~~sacred~~ and imperative? There may be cases of inadequate recompence, there may be instances of mercenary views, and unworthy motives. There is however a spirit and a liberality of opinion throughout the British Empire, that will never suffer conspicuous merit, in the cause of humanity to go unrewarded.

* * *

I have, &c.,
CHRISTOPHER BIDEN.
Ship Victory, Bombay Harbour, 2d January, 1834.

P. S. It is urged, and with much reason, that if the wreck on the Cherbanani shoal is European, a boat could have been despatched to the coast to announce, the disaster; but we must also bear in mind that ships have been wrecked on similar reefs and have lost every boat in the first attempt of the crew to quit their ship. But whether a ship in distress by English, French or Dutch, Arab or Maldive, still we have but one duty to perform, and do to others as we would be done by.*

Your's,
C. B.

THE CHAG'S ARCHIPELAGO.

TO THE EDITOR OF THE BOMBAY COURIER.

SIR,—Although the good Ship *Victory*, has been reported to have been seen "bottom up," and to have gone down off the Cape, here,—under the blessing of divine providence,—she is safely moored. Whoever was the sapient observer of passing events on the wide expanse of ocean that spread such a report, he should have been called to an account for his keen remarks, and should have been questioned why he did not pass over the fatal spot, and seek for some dead or living testimony confirmatory of his statement. He, like all other persons who deal in the marvellous, must have failed in his purpose, good or bad, through the improbability of the circumstance, which, according to the report which has reached me, he laid before the public, to say nothing of the extreme culpability which attached to him in the event of any circumstance of such a lamentable nature having occurred, for not pursuing his inspection with that laudable zeal and anxiety, which is the first and paramount duty of one seaman towards another.

Having thus unburdened my mind upon one subject, I will proceed to detail the proceedings of the *Victory*, on another of great importance to navigators, and to the commerce of India.

We left the Cape on the 16th of March, but owing to a prevalence of south east and easterly winds were driven to the northward before the limit of our casting, as determined upon, was reached, and in consequence of a scant trade

* Immediately it was known by the government that a wreck had been seen on the above bank, the H. C. Ship of War Clive, was despatched in quest thereof; she returned without finding any vestige of a vessel, but discovered the bones of a human being; the question was therefore involved in much doubt and conjecture.

wind, together with a constant current to the south west, we could not weather the Chagos Archipelago.

On the 30th of April, we gained soundings on Pitt's Bank, and our lunars and chronometers agreeing with the position of that bank, we felt every confidence, and determined to stand on, whether the wind should carry us between any of the islands of that group or otherwise. One circumstance is worthy of remark. Whilst on the verge of Pitt's Bank, broken water was discernible from the deck; the cutter was sent to sound, and when amongst the most confused part of the swell, strongly resembling breakers, the rocky bottom was visible, but the least water was 12 fathoms. We crossed this bank, steering N. E., and had soundings, between Diego Garcia and the six islands, from $11\frac{1}{2}$ to 17' fathoms; in Horsburgh's Directions this part of the Bank is named Blairs'.

Standing on to the N. E. with variable winds and occasional squalls, we discovered a cluster of small Islands at $9^{\circ} 45'$, A. M., on the 1st of May, bearing N. E. and E., distant 4 or 5 leagues, and imagined we had experienced a current to the N. N. W. and that these were the Salomon Islands; however, our observations at noon placed us in lat. $5^{\circ} 48'$ and long. by chron. $72^{\circ} 14'$ E., and neither the islands nor their position agreeing with Horsburgh's site and description of the Salomon Islands, we looked out with much eagerness for other land, when at 1h. 50m. P. M., the Salomon Islands were seen from the mast-head, bearing N. $\frac{1}{2}$ W., and those we had discovered bore E. $\frac{1}{2}$ S. At 4h. 45m. P. M., having run N. by E. 23 miles, we saw the Peros Banhos Islands from the mast-head, bearing from N. W. by N. to W. by N. which confirmed the relative position of that and the Salomon group, as assigned by Horsburgh; but placed the first cluster of three small islands, which we had passed, without doubt, as a new discovery. Sandy Islands, as noted by Horsburgh, in many respects correspond with their appearance, but are laid down by him in $5^{\circ} 17\frac{1}{2}'$ S. and $72^{\circ} 38\frac{1}{2}'$ E., whereas those which we passed, and which do not exist in Horsburgh's chart, are in from $5^{\circ} 38\frac{1}{2}'$ to $5^{\circ} 40'$ S., and from $72^{\circ} 24'$ to $72^{\circ} 26\frac{1}{2}'$ E.

As, therefore, the merit of a first discovery, or the assignment of a true position to land leading direct to the Salomon Islands, and placed in a commanding situation to avoid the north western dangers of the Chagos Archipelago is justly due to the *Victory*, and her crew, I presume to announce that discovery under the auspices of the highest

and most venerated name which the naval annals of Great Britain can display associated with Victory, and immortalized by glory! the islands to which I allude, will bear the name of NELSON, and the Bank between those Islands, and the Salomon Islands, I wish to be styled the *Victory's*.

* This Bank may be dangerous, we had upon it $\frac{1}{2}$ less 5, for several casts; the body of the Salomon Islands then bearing north and Nelson's Islands from the mizen-top-sail-yard S. S. E. $\frac{1}{2}$ E.

At sunset we passed between the Salomon Islands and the Peros Banhos, rounding the S. western extreme of the former (a beautifully and richly wooded island) at about two miles distance.* Hard squalls and thick weather during the night prevented any farther observations, and at daylight the Salomon Islands were visible from the mast-head, bearing S. E., but the weather was too cloudy to discern the Peros Banhos, which appeared from the mast-head the preceding evening to be a very extensive group, and connected by numerous shoals and sand-banks.

Pursuing our course, as well as the variableness of winds would permit, without any observation at noon on the 2d, we gained soundings on the Speaker's Bank, at 2 h. 30th m. P. M., on the 3d; we then traversed a considerable portion of this Bank; saw the rocks occasionally under the ship's bottom, and had from 8 to 9, 13, 15 and 22 fathoms, and again 8, 9, 12 to 22; sent the cutter out, but had no less than 8 fathoms, and saw no appearance of shoal water on this Bank, which is reputed to have on some parts less than 5 fathoms.

A great variety of delicious fish of the cod and salmon kind, were in great abundance on all the shoal patches of the banks I have described. We caught plenty with ease, but such was the exceeding voracity of the numerous sharks our angling attracted, that they frequently nipped our prize in two at the very surface of the water.

In conclusion, I must add my wishes to those of every friend to the commerce of his country, that the present survey of the Maldives will extend its beneficial researches to the Chagos Archipelago, and the banks and shoals in that direction.

Much has already been done by those distinguished officers of the Indian Navy, whose indefatigable zeal sheds a

* I understand from those who have visited the Salomon Islands, that the largest, at the North West extreme has great capability for the cultivation of the Coffee and Cotton plants. The trees, which I observed, to be of very remarkable growth, are fit or spare for the purpose of building, and the nature of the soil from so much natural manure must be of the richest kind.

lustre over their profession; but, Mr. Editor, in these piping times of peace, much yet remains to add still more to the renown of our country's flag, and thereby conduce to the welfare and prosperity of the maritime interests of Great Britain, with a corresponding benefit to the world in general.

I have the honor, &c.

CHRISTOPHER BIDEN.

Ship Victory, Bombay Harbour, June 16th, 1835.

P. S. By our observations Salomon Islands are in lat. from $5^{\circ} 17'$ to $5^{\circ} 21'$ South, and long $72^{\circ} 16'$ to $72^{\circ} 23'$ East; the northern limit of the Speaker's Bank, on which we sounded in from 10 to 16 fathoms, is in lat. $4^{\circ} 39'$ S. and long. $72^{\circ} 32'$ East.

I addressed a letter to Sir Charles Malcolm, Superintendent of the Indian Navy, communicating the substance of the above notification, and received through the same medium the following gratifying reply.

*"Superintendent's Office,
Bombay, 11th July, 1835.*

"Sir,

"Having laid before Government your letter, accompanied with a Chart and Sketch, dated 24th ultimo, I am directed to acquaint you that the Superintendent feels gratified in communicating to you the thanks of the Right Honourable the Governor in Council, for the information you have forwarded relative to the position of the Islands and Sand Bank in the Chagos Archipelago.

This interesting information, together with the Chart and Sketch, will be forwarded to the Honourable the Court of Directors, and the Right Honourable the Governor in Council is also desirous of giving publicity in Bombay to the information, and measures will be taken through the medium of the Government Gazette to effect this.

I have the honour to say,

Sir,

Your most obedient servant,
(Signed) W. W. WHITELOCK,
Asst. Superintendent, I. N."

*Captain C. Biden,
Commanding the Ship Victory.*

COMPETENCY FOR COMMAND, AND THE CONSEQUENCES
WHICH PROBABLY ARISE FROM NEGLECT THERETO.

The subjoined quotation from McCulloch's Commercial Dictionary, page 1268, is worthy the notice and serious attention of every officer and seaman, and it behoves each, and all of us, to labour by every means in our power to remove the great reproach which this article attaches to the maritime profession, whether the charge involves ignorance or incapacity, a defective state of shipping, or inefficiency of equipment.

"Number of Shipwrecks."—The loss of property by shipwreck is very great.—It appears from an examination of Lloyd's List, from 1793 to 1829, that the cases in the British mercantile navy only mounted, at an average of that period, to about 557 vessels a year, of the aggregate burden of about 66,000 tons, or to above 1-40th part of its entire amount in ships and tonage. The following account of the casualties of British shipping in 1829, is taken from Lloyd's list :—

"On foreign voyages, 157 wrecked; 284 driven on shore, of which 224 are known to have been got off, and probably more; 21 foundered or sunk; 1 run down; 35 abandoned at sea, 8 of them afterwards carried into port; 12 condemned as unseaworthy; 6 upset, 1 of them righted; 27 missing, 1 of them a packet, no doubt foundered. Coasters and colliers, 109 wrecked; 297 driven on shore, of which 121 are known to have been got off, and probably many more; 67 foundered or sunk, 4 of them raised; 6 run down; 13 abandoned, 5 of them afterwards carried in; 3 upset, 2 of them righted; 16 missing, no doubt foundered. During the year, 4 steam vessels were wrecked; 4 driven on shore, but got off; and 2 sunk.

"Of the prodigious number of ships that are thus annually engalphed, many are laden with valuable cargoes; and besides this immense loss of property, there is also a very great loss of life. It is believed, that a little more strength in the building, and care in the selection of the Masters, would obviate many of these calamities. And nothing, we are assured, would contribute so much to improve the fabric of ships, as the adoption of the plan we have elsewhere recommended, of allowing them to be built in bond free of all duty.

"During the last war with France, 32 ships of the line went to the bottom, besides 7 fifty gun ships, 86 frigates,

and a vast number of smaller vessels, and the losses sustained by the Navies of France, Spain, Holland, Denmark, &c., must have very greatly exceeded those of ours. Hence, as Mr. Lyell has observed, it is probable that a greater number of monuments of the skill and industry of man will, in the course of ages, be collected together in the bed of the ocean, than will be seen at one time on the surface of the continents."

The following extract from the Edinburgh Review, of January last, is relevant to this very subject, and the question as to competency in Commanders and officers, which I argued in the early part of this work, is urged on similar grounds by the author :—

" We have at this moment a letter before us from a gentleman of undoubted information, and most extensively connected with the business of insurance, in which he states, that, in his opinion, nearly half the losses at sea, may be ascribed to ignorance, incapacity, and carelessness of the Masters and officers.

" The authority of the Master is so very great, and the trust reposed in him, including, not merely the goods of his employers, but the lives of the crew and passengers is so exceedingly important, that it is the bounden duty of the public to provide, that it be not committed to ignorant or incapable hands.—We have just seen what have been the consequences of the neglect of such precautions in the country, and after such a public exposure,* we are slow to believe any government can be so forgetful of its duty as to delay introducing measures adequate to prevent such abuses, by making sure that those to whom the command of ships is entrusted know something of their business.—Boards for the proper examination of candidates might be established in London, and other sea port towns, and were the system once put in motion, which it might be without any difficulty, and very little expence, we venture to say, that it would in a very short time have the most beneficial influence."

With reference to the same subject, it is curious to observe what were the comments on the mismanagement of naval affairs in 1698 :—

" It is well known our ships, under God, are our greatest security, and the glory of our Isle, and the sailors our myrmidons, whom we ought to cherish as the apple of our

* Alluding to the number of ship wrecks as stated in the preceding page.

eye ; yet, all the time of the last war, they were most barbarously treated, even as if they had not been of the race of mankind, but a sort of vermin fit to be rooted out ; for, what by their treatment on board ship and frequent turning over without pay, the unjust pricking them run, and being harassed with uncertainty of payments, many thousands of them, and their families have been betrayed, and great numbers constrained to leave their native country, and betake themselves to foreign service, or even, which is worse, turn pirates. The evil treatment of the poor sailors, though in itself highly wicked, seems to have been one of the least of the crimes committed in the government, tending to the destruction of trade.

"For the last five years of the war, it appears, we were seldom free from an embargo on shipping ; few or no ships were allowed to sail till they got protections or permits, to the great charge of the merchants and damage to trade in general ; as little care was taken to protect our shipping, not any one person having been appointed to examine sea Commander's journals all the time of the last war, but they were left to their own genius, to act and do as they pleased ; and thus, by the Lords of the Admiralty and Commissioners of the Navy's *wise* conduct and *prudent* management of affairs, we lost above a hundred ships of war, with many hundreds of merchantmen, to the great honour of the nation !"—*Harleian MS. July 16th, 1698.*

SAILING UNDER ILLEGAL COLOURS.

"A very arbitrary, and, in my opinion, a most ungenerous law, is now in force against the possession of, or the display of the national colours by merchant vessels.—The following is a case in point :—

"In the Admiralty Court, on Wednesday last, a proceeding was instituted against the Captain of the *Lord of the Isles*, steam-boat, for wearing the "Union Jack," contrary to the Act 6, Geo. 4., which renders it illegal for any vessel, except a King's ship, to hoist the pendant, or other colours, used on board his Majesty's ships. The vessel was boarded, and the colours seized by H. M. Ship *Etna*. The defendant was condemned in the penalty of £50, with the costs."

"When we reflect upon the distinguished credit which attached to the Merchant Service, throughout a long and eventful war, and the honour and credit attached to the

privilege of wearing a Blue, or the St. George's Ensign, we are at a loss to conceive why so impolitic an injunction should cramp the zeal and energy of British seamen. I could cite several instances, when, under the impulse of patriotic ardour and resolution, and by a display of courage and enthusiasm, the shew of those *now prohibited* emblems of our country's glory, put two French Admirals to flight, and rescued two valuable fleets of the Honourable Company's ships from the grasp of a rapacious foe.

I disclaim any wish on the part of my brother seamen, from the mere vanity of display, to wear those colours, but at the same time I protest against the injustice of the prohibition.

MARITIME COURTS, &c.

I have given this subject every re-consideration, and am decidedly of opinion that a well organized system of jurisdiction, under due control, may produce every good effect; but I wish it to be distinctly understood, that I by no means propose or recommend, that any reference to such a tribunal should tend in any way to impair the authority of Commanders of vessels either at sea or in harbour. It is always desirable that due power and control should be vested where responsibility is placed, and so clearly defined, that respect and confidence shall blend in mutual obligations.

But under the system now in practice, a Commander feels that his power is curbed by undefined method, by the variety of rules and operations, according to different modes and changing ideas of maritime rule.

However anomalous the case may appear, it is certainly true that a state of good discipline at sea is frequently succeeded by a total reverse of conduct in harbour. Whether this arises from that collision of feeling which takes place among seamen, in their communication with the crews of other ships, or is occasioned by the temporary absence of their respective Commanders, or by some prevailing opinion that access to the shore may dissolve the bond of naval discipline, I know not; but certain I am, that this change does occur, and upsets all order and regularity where good feeling had previously prevailed.

I must now enter upon the subject of police regulations, and consider how they operate in the preservation of author-

ity and subordination; and I am inclined to believe that the reference to such power tends materially to subvert the respect and power of every Commander, who reluctantly yields his temporary influence by such an appeal; and, moreover, it weakens the confidence reposed in him by every one under his command.—The sailor's mind is consequently imbued with a strong feeling, that all previous exercise of power was held by an illegal tenure; that his Captain is impressed with the same idea, and dare not enforce his orders, when within the reach of civil power, which in fact is as little defined in the adjudication of naval offences, as maritime law on board ship.—In a word, an appeal to the civil power begets a sullen discontent, and every seaman who is taken before a Magistrate, and is returned to his ship, becomes a worse character. Next in order are the effect and consequence of passing seamen through such an ordeal by the loss of their services, the necessity of having other men to do their duty, the entire loss of their services or the detention of the ship, and the consequent loss to the owner and Commander. For instance, a complaint is made to a Magistrate by the Commander of a vessel in this, or in any other port, alleging misconduct on the part of the crew, such as refusing to work, disobedience of orders, or some other act of insubordination; the Magistrate, with promptitude and energy, issues his warrant, and all parties are brought before him; the case is inquired into; the seamen are convicted, and sent to the House of Correction for a month; the Captain must supply the deficiency of working hands, and his ship or vessel may be ready for sea a fortnight or more before his refractory men are released; for a Judge's warrant can only empower their release. The temporary aid will not suffice for sea service, and he may be put to great loss and inconvenience before his crew are again complete and efficient.—This very argument is therefore of sufficient importance to urge the expediency of other more suitable measures to insure a summary mode of punishment, exemplary to the whole crew, and such as will tend with more vigour to deter offenders.—I am of opinion that corporal punishment inflicted on board ship is the only sure remedy, and if reference has been made to the civil power, the punishment should be carried into execution under the conjoint sanction of the Magistracy and the Commander, who refers to that authority. The evil I have thus explained, bears with heavy loss and inconvenience throughout the merchant service.

and is fully acknowledged by the Magistrates themselves to be involved in perplexing difficulty.

I cannot close this subject, without expressing my full conviction of the merit justly due to the Magistrates at Bombay and this presidency, for their unremitting zeal, promptitude, and vigorous attention to, and notice of, every requisition made to them by the several commanders of merchant vessels when the refractory conduct of any portion of their crews, has rendered such an appeal necessary.

I have also the pleasure to say, this tribute is due to the zealous advocacy of order and subordination, which I understand from undoubted authority, has long been practised by the Magistrates at Calcutta, and also at Singapore.

I cannot forbear noticing a different mode of proceeding which lately occurred in this roadstead. Symptoms of disaffection were suddenly and unexpectedly displayed amongst some of the crew of that splendid merchantman, the *Duke of Sussex*, her Captain, brought up in the good school of discipline, repaired on board, and, after a due investigation and under a well practised system of firm and energetic control, his measures were resolutely taken to bear down every indication of mutiny or revolt, should the contagion now disseminated amongst merchant seamen, have in any way tainted the minds of his crew. The men were found guilty; the man punished was at first insolent, and demanded by what authority the Captain was about to punish him? Captain Horsman drew his sword, declared that was his authority, and stated to the whole ship's company then assembled by divisions, with the exception of a few leading and turbulent characters, who were very judiciously separated from the others, that he had adopted such precautionary measures as would place the life of any person, or persons, in danger, who dared to dispute his authority, or venture in any way to rescue the prisoner. The punishment was inflicted, and the crew of the *Sussex* have been quiet and orderly ever since.

The crews of other vessels now, and lately in this roadstead, have also been more or less in a lawless state.

The carpenter of one of the ships is a shameful example of that imposition noticed in the early part of this work; he shipped in that responsible station for the high wages of £6. 10s. per month, with certificates of good character as a shipwright mechanic, &c., but has proved to be useless and worthless in every way, and not even trustworthy as a petty officer.

The following instances of extreme insubordination are selected from a great number within my knowledge. They are of very recent occurrence, and many of the passengers by the ships hereafter noticed are now at this presidency and can bear witness to the difficulties and embarrassments endured by the several Commanders and Officers of those ships, and the consequent anxiety and annoyance such a lamentable state of confusion and disorder has caused to themselves.

In February last, the crew of the David Clarke refused to weigh anchor in Table Bay (Cape of Good Hope.) Captain Rennie in a most determined manner seized the ring-leader, and flogged him. Some shew of resistance was manifested, but the display of arms subdued that feeling, and the ship proceeded to sea.

On the 13th of July, on board the George the Fourth of 1200 tons, a man, when in the hold, struck a midshipman in the presence of the third mate, and set every officer in the ship at defiance; the second mate, being commanding officer, ordered the man to be put in irons; he took refuge on the gun deck, where the ship's company defended him against every effort made by the officers to place him in confinement, this refractory seaman remained at liberty all night, and the officers were compelled to such a degrading position as placed their authority under the control of a lawless crew; on the following morning the police officers were sent for the offender. He was convicted for the assault, and sentenced to two months' imprisonment: This occurred in these roads.

*The ship True Briton, Captain Foord, affords another case. Four of her crew were guilty of most riotous behaviour, and assaulted their Captain and Officers a short time previous to that ship's arrival here, and a spirit of grumbling and discontent was manifest throughout her crew. I shall abstain from any further comment on this instance, as the offenders have proceeded in their ship to Calcutta in irons, to await their trial before the Supreme Court.

Several of the crew of the brig Andi are now in prison for striking work and disobedience of orders. The ship's company of the Grenville are represented as having been in a most disorderly state,—drunkenness, insolence, and contempt have been prevalent throughout the voyage; and upon one occasion, when a man was ordered in irons, several seamen took the irons from the officers by force; nor did

they yield, until Captain Thornhill drew his sword and threatened to cut down the ringleader.*

But to record every disgraceful occurrence would swell these pages beyond all bounds. In fact, the present state and condition of the merchant service is so miserably bad and so evident to the commonest observation, that no further proofs of the mischief and evil, now pressing on to that crisis which sooner or later will force other measures and another system, need be adduced.

It is however a gratifying portion of my duty to place on record, amongst, I trust, many more ships of the present season, which have displayed a happy union of essential order, happiness, and contentment. The following ships, Thomas Coutts, Scaleby Castle, General Kyd, Sesostris, Royal William, Lord Hungerford, Imogen, La Belle Alliance, the bark New Grove, and I should indeed be guilty of a great act of injustice to my own ship's company, if I omitted placing in this list the Victory; their conduct, has been most exemplary, and no indulgence, consistent with good order, shall be wanting on my part to mark my sense and entire approbation of their behaviour.

Without any invidious distinction between the two classes of ships, which a sense of public duty has compelled me to hold up for instruction and example, it is due to the several Commanders in question, to declare, what indeed is generally known to be the case, that, while many ships' crews have escaped that spirit of disaffection and ill will which is engendered by the fatal influence of a few bad characters on the minds of their misguided shipmates; so on the other hand, the chance misfortune which infuses so pernicious an influence cannot easily be foreseen nor can it always be avoided. To this source of contagious principles among seamen may be attributed the crimes and misdemeanors which I have noticed; the best remedy which I can suggest is to mark such leading and turbulent characters upon all occasions, when their influence gains ground or starts a head, for when once a seaman gets the upper hand, he will surely profit by his daring success and turn it to his own advantage.

There is a source of pleasure and delight derived from a general display of good conduct, under a steady and correct system of discipline, which can be better imagined than described, those who have witnessed such a happy union of

* The prevalence of drunkenness should be put a stop to, by making drunkards and the whole crew, if necessary, drink their allowance of grog at the tub.

content, comfort, and good order, can best appreciate the corresponding benefits arising from such an enviable condition.

In conclusion, it will be readily conceded that impartial discipline and good order mainly depends upon the vigilance and circumspection used in framing and exercising a well defined system of naval rule and governance.

Every officer is well aware of the peculiar hardships and fatigue which become the duty of a good and well conducted seaman on board a merchant ship; therefore the *good* should be carefully separated from the *bad*; it is when the two classes are confounded together, that thorough seamen become callous and discontented.

That England can still boast of a vast majority of brave and gallant seamen, devoted in loyalty and faithful allegiance to their king and country, I firmly believe; but the necessity cannot be too strongly urged of watching over the welfare of these men, and checking that evil which still clings to their habits and associations on shore, where venal pursuits and vile contamination taint their minds in a hot bed of disloyalty and disaffection. I have suggested one method of eradicating so serious an evil, by undermining the power and influence of crimps and a horde of plundering extortioners; it remains for those who wield the destinies of the British Empire to guard over every interest which involves the prosperity and independence of so sacred a charge.

"Safe in the love of Heaven at ocean flows,
Around our realm, a barrier from our foes."—*Pope.*

SHIP THOMAS GRENVILLE.

I have already adverted to the general conduct and character of this ship's company, and now the unpleasant duty devolves upon me, whilst bringing this arduous task to a close, to give a practical illustration of the subject of my inquiry and research, which demands some notice and attention. The circumstance is as follows: Happening by mere chance, on the 3d instant, to meet Capt. Thornhill of the *Thomas Grenville* on the Beach, at the moment an express from his ship announced a mutinous display of conduct amongst his crew, he requested me to accompany him on board the *Grenville*,

which I did. On inquiry as to the cause of this hasty summons, it was stated by the Chief Mate, that the ship's company refused to return to their duty, when the hands were turned up after dinner, because, as they had the insolence to declare, two of their shipmates had been sent to prison. The cause of the imprisonment of one of these men, was theft when on duty in the hold; he was detected with several bottles of wine about his person, stolen from a chest, which was found broken open and plundered. This thief and drunkard was, with his associate, taken out of the ship, brought before the Magistrate, and the crime being fully proved against him, he was condemned to three months' imprisonment and hard labour. The other man narrowly escaped the same penalty by the cunning with which the connivance of his messmates evaded circumstantial proof of his guilt on the charge, but he having refused to do any more duty, was committed under the penalty awarded for that offence, to one month's imprisonment. I have entered fully upon this matter to shew what outrageous and unprincipled conduct governed the feelings of the *Grenville*'s crew, in thus presuming to call in question, the laws of their country, and daring to set their judgment and opinion in contempt and defiance thereof; and what adds still more to their shame and reproach, they, under the character and denomination of British seamen, attempted to vindicate a thief, and another who had contemptuously broken his contract, and under such a vile impulse; these men dared to insist on the release of these delinquents. This case is indeed a lamentable proof how much the conduct of seamen can be lowered and degraded, how seriously their principles can be undermined and debased by the contaminating influence of the few over the many.*

When we boarded the *Grenville*, Captain Thornhill having first ascertained the present state of feeling amongst his men, adopted every precautionary measure to subdue them by force, should such an alternative become an imperative act of duty; pistols were loaded, and cutlasses were provided, with which he armed himself and officers, and the passengers on board were also in readiness to yield their

* On my first voyage, a seaman was flogged for missing his muster on a squally night, and another having broken open a locker and stolen a bottle of cherry brandy, was seized, and, by the unanimous decision of the whole crew, was punished by themselves with such severity that the Officers were apprehensive of the consequences, and stayed the hand of vengeance which had so roused and enraged the gallant and manly ship's company of the *Royal George*.

support. The hands were turned out, and the ringleaders or instigators of the plot, were judiciously separated from the rest of the crew. Captain Thornhill then demanded the cause of their disobedience of the orders of his officers, and why they refused to do their duty? And here, it is curious to observe, these very men, who had demanded the release of their shipmates, had neither the folly nor hardihood, when in the presence of their Captain, to broach the slightest allusion to them; but awed by their Captain and the commanding attitude of himself and officers, with ready weapons in their hands, to execute vengeance and force redress, these very men had not the conscience to declare their previous resolution, and vindicate theft; but they one and all declared they had not refused to do their duty, and one of those singled out, produced witnesses (whether perjured or not, I will not pretend to say,) that he actually was at work. The ship's company alleged amongst their grievances, some irregularity in the time for their meals while in these roads, hard work, the want of indulgence by lights at night, and other trifling causes, and not knowing how or where to limit their wants, they pleaded the necessity of a further quantity of grog while the abuse of their present very liberal allowance was too evident by the state of intoxication, many of them betrayed, and which I have no doubt tended materially to the breach of discipline now under consideration. Captain Thornhill asked if they had forgot his standing order, *that all complaints and grievances should be quietly made known to him*; this they acknowledged, and urged it was only in harbour that these grievances had arose, and declared their entire respect and confidence in their Commander. In the course of this discussion, a shew of insolence and contempt very nearly brought the matter to a crisis; a pistol went off by accident or design, which proved we were not armed with empty barrels, and just before this one or two persons manifesting a bad spirit, were seized and dragged from amongst the crew, and most assuredly one of these would have been tied up and flogged at the instant, had not the best men interceded and pledged themselves for his and their future good conduct; and besides both these men were inflamed by being half drunk at the time.

Captain Thornhill afterwards made every man promise to obey his Officers, and henceforth do their duty without being guilty of that state of drunkenness, insolence, and negligence, which had hitherto disgraced their conduct, all

which the ships' company having pledged themselves to do, they then received a voluntary pardon from their Captain, which lenient measure he was induced to grant, by their not having dared to resist his authority, by their promise of future good behaviour, and also in a great measure because severe measures, which might under the half drunken state of some amongst his crew, have required the force of arms to carry into execution, were not *absolutely necessary*; another circumstance had some influence on Captain Thornhill's decision, he had made an example of two of his crew through an appeal to a civil Magistrate, so that on the present occasion he could not consistently have punished the ringleaders under any other process, without an urgent and imperious necessity. But had Captain Thornhill been compelled to resort to so painful an alternative, there was sufficient firmness, ample means, and a well-planned shew of resolution in display to inflict summary and corporal punishment; and, at every hazard, I myself would have supported him. It is also requisite, in all the bearings of this case, fully to exonerate Captain Thornhill from any reflection for having pardoned a turbulent and disobedient crew, by stating his other motives. Now, when he had completely subdued his ship's company, and decided, that, under the existing doubts and difficulties which beset the control and management of the merchant service, any resort to extreme severity might involve a question at law as to the expediency and justification of that result, and again, on the other hand, his ship would have been ready for sea, but for this check to the duties then on hand, and caused by the misconduct of his crew. If, therefore, he had referred the case to the civil power, half his ship's company must have been taken out of the Grenville; in all probability the best seamen might have been imprisoned, and that valuable merchantman must have been detained at a serious inconvenience, and a daily loss of twenty pounds, besides the difficulty, uncertainty, and expence of procuring other seamen.

In summing up this critical affair and contemplating the conflicting evils attending its progress and issue, although it is with extreme reluctance that I can be induced to yield to so grievous a necessity as that which grants a pardon where punishment is justly due, yet, under all the circumstances which I have detailed and explained, I consider Captain Thornhill's conduct throughout, was temperate, judicious and correct. I can bear witness to the respect confidence

and *fear* borne towards him by his crew,* and his firmness upon this, and many other occasions, is the best security to all those who may have the pleasure to sail with Captain Thornhill, that neither mutiny nor insubordination shall ever gain the ascendancy, or be suffered to prevail with impunity, under his command.†

"To the brave he fain would quarter shew,
His tender heart recoils at every blow :
If, unawares, he gives too smart a stroke,
He means but to correct, and not provoke."

Granville.

TEMPERANCE SOCIETIES.

THE following correspondence is republished to shew the fallacy of all forced measures by self instituted Societies, and the mischief which may result through their interference with the long cherished and habitual customs, of British Seamen.

TO THE EDITOR OF THE BOMBAY COURIER.

SIR,—Though there can be but one opinion as to the virtue of temperance, and the vice of drunkenness, I cannot subscribe to those vague and speculative doctrines which grant many and great indulgences to one class of society, and totally exclude, from all such means of enjoyment the other. Therefore, upon this principle, I am at issue with that party who are just now advocating the drinking of wine and beer, and deny their fellow creatures the use of ardent spirits.

The one party give up but one amongst many indulgences, and cling with as much apparent avidity to other sources of gratification, as the soldier or sailor to his grog. Where then is either the merit of such an example, or the benefit af such a precept?

Every luxury the world can afford, may be at the command of this party. They may indulge in every other va-

* Fear, becomes an essential ingredient of command with such a crew as the Grenvilles.

† It is worthy of remark that several of the most unruly men on board the Grenville belonged to the H. C. Ships Inglis and Scaleby Castle in 1829—30, and thus to trace the influence of bad example on the mind of a sailor. Captain Thornhill may yet be compelled to have recourse to severe measures before his ships' company are brought under good discipline; however, as it is his intention to turn out the few disaffected characters, we may rest assured, the Grenville homewards will be a very different ship.

riety of beverage, besides that which they exclude, in the choicest vineyards of France and Spain, and in the delicious wines of Madeira.

Yet, with all this latitude, they declare that neither the gallant soldier nor the hardy seaman shall be allowed either the use or indulgence of any spirituous liquors. As this arbitrary doctrine bears with such peculiar hardship and privation on the habits and condition of seamen, I will take up their cause, and beg leave to ask the most rigid member of the Temperance Societies, what beverage he will substitute for the sailor's use either at sea or in harbour; and I request, at the same time, he will duly consider how few are the real means of comfort and enjoyment possessed by seamen.

Let him descend into a ship's hold, when cargo is either being received or delivered, or witness the hardy tar at the tackle fall or aloft, through all his various and toilsome duties, perspiring at every pore, and exposed to all the vicissitudes of weather. Is the scuttle butt or water cask, to be his only resource? Is water not filtered, nor in such a pure state as this temperance gentleman can afford, to be his only cheer?

Perhaps I shall be told that it is not intended the seaman's case should be so destitute, and that the society recommended as a substitute for grog, tea and cocoa, or coffee.

Very well; but I give my ship's company cocoa in the morning, and tea in the evening, and not wishing to metamorphose honest Jack into a washerwoman, I give them grog besides;—grog at 11, A. M.; grog with their dinner; and grog in the evening, while in harbour, with which indulgences they do their duty manfully and well, and cheerily sing Old England's songs of love and glory.

Under such a system, seamen are happy and contented; they are satisfied with that renown and reputation which their forefathers gained under old Vernon, the father of grog, and which they have since so nobly sustained under Hawke, Rodney, Hood, Howe, Duncan, St. Vincent, and Nelson. Those great and gallant heroes were no enemies to the grog system, and always delighted in having it served out to their brave and devoted crews!

I have stated the case of a ship's crew in harbour. When at sea, some better and more stimulating beverage than tea, cocoa, or water, is surely requisite. Let me place one of the Temperance Society on board ship under a barn

ing sun, or in squally wet weather.—A gale ensues, sails rent, masts gone, struck with lightning, leak sprung, pumps going, and every soul hard at work, salt beef for dinner, if it can be cooked, and a short allowance of water *fresh* out of the hold, if it can be got at to wash the salt junk down ! He might seek comfort, and drown the cares and anxieties such a scene would produce, with mulled claret or good port wine and occasional interludes of old sherry or madeira, washed down with copious draughts of Hodgson's ale ! Cherry brandy would not be a bad finish, but that he must not touch !

But, seriously, how could such an observer of dangers, hardships, and privations, reconcile to his conscience the many luxuries which his station in life afforded, and gave him access to, with that system of extreme prohibition against another class of his brethren as proscribed by the rules and regulations of the Temperance Society.

Let those who deny to others the use of all spirituous liquors, abstain from all corresponding indulgence themselves.

The definition between ardent spirits and other liquors is an argument weak and untenable, when one description is only within the reach of one party, and all are attainable by the other. The soldier or sailor, who would launch into intoxication with spirits, would commit the same excess with beer and wine, if he could afford such an indulgence.

No person can deprecate any abuse in the use of spirits or the vicious habit of drunkenness on board ship, with more abhorrence than I do; but there is a vast difference between too much, and none at all. A moderate allowance of grog, when served out under due inspection and control, will never militate against the strictest discipline, and, I will venture to say, such a quantity is conducive to health, by promoting cheerfulness, mirth, and good humour. But these happy results will be totally banished under that exclusive system which every British seaman will hate and detest. Are these gallant defenders of our country in war, and to whom during peace we ought to cling with a grateful recollection of their past services, and under a cherished conviction that whenever the war flag of Old England is again unfurled, the same dauntless spirit will reanimate them in devoted zeal and allegiance to their King and country—are these men, I say, to be the only class of beings on the face of the globe debarred the use of spirituous liquors ?

Any arbitrary system of restraint on soldiers or lands-

men is only binding so long as their resolution may hold good, and it is a well known fact with them, (and these converts are few and far between,) that a few weeks of self-denial, under the influence of the Temperance Society, is followed by days of extreme intoxication! The same unbridled licence has been proved to follow the first cruise on shore of a temperance ship's company, even where the utmost consistency of principle prevailed from stem to stern. In one case, the depravity was carried to such an extent, that the seamen bartered every rag belonging to them for liquor, that they might bring up the leeway; and months of privation on the slop and water system, were followed by the utmost debauchery and excess; their return on board presented the most wretched and degrading scene. The Temperance Society will surely fail in their object, if they persevere by any rule of total exclusion. Selfish and partial measures may tend to undermine the discipline of a ship; and zeal and alacrity in the discharge of every duty, may be supplanted by sullen discontent; especially when sailors are denied an indulgence sanctioned by the test of experience, and considered as their due by confirmed habit and privilege.

Seamen commit the greatest excesses when they are on shore, and beyond the check of that restraining power, which, when ably applied, blends the rigour of discipline with social order and mutual confidence.

If the real wants and grievances of this eccentric class of men were better studied and attended to by those persons who appear ever ready to expose their vice and folly, much good for their own, and their country's welfare, might be the result.—The destitute and forlorn condition of seamen on shore, renders them reckless as to all consequences. They hasten to drown present care, and when bereft of all reason, are plundered and ill-treated, and become equally callous as to the future. In many instances their principles are tainted and contaminated; they quit the shore where neither home nor friend welcomed their abode, and renew their duty with diminished zeal and attachment.

I am of opinion these evils might in a great measure be removed by the active force of charity and humanity by establishing a sailor's home in every port, where at least he may find a refuge in distress, and be guarded from that misery and degradation to which he now becomes a ready victim and an easy prey.

" We can justly imagine the consequences upon human

Society, were perfect uprightness and sympathy and good will to obtain universally; were every man to look to his fellow with a brother's eye; were a universal courtesy to reign in our streets and our houses and our market places, and this to be the spontaneous emanation of a universal cordiality, were each man's interest and reputation as safe in the custody of another, as he now strives to make them by a jealous guardianship of his own."*

All experience has universally proved that such a happy state of society cannot be attained, but still in this enlightened age we may improve upon the past. An overweening desire to court popularity, self opinion and selfish views, with biased judgment, and heated prejudice and excitement, are the rocks and shoals we get amongst, and from which we cannot entirely steer clear. If I can only convince the Temperance Society that the course they are holding will soon run them aground, I trust they will haul off in time; strike the flag of their *exclusive system*, and bear up for the haven of peace and plenty, where they can speedily recruit their spirits, give to every man a full allowance of grog, and fill a bumper themselves—a regular north-wester, if they like—to harmony and good fellowship!

I am, &c.

June 17th, 1835.

BRONTE.

A TEMPERATE REPLY TO BRONTE'S LETTER ON
TEMPERANCE SOCIETIES.

DEAR SIR,—I feel much indebted to you for your letter in the *Courier* of last Tuesday, on the subject of Temperance Societies, as it gives the friends of these institutions, the opportunity of meeting openly, and fairly, the arguments therein advanced. It must be the wish of all sincere lovers of the truth to encourage a kind, and candid, and temperate discussion of the subject. For if the principle of Temperance Societies will not bear the test of fair discussion, the sooner they are abandoned the better. But if, on the other hand, they be really useful and valuable institutions, the cause will gather strength by every objection that is made against it, and will come forth like tried gold out of the fire.

You, my dear Sir, have stated one side of the question,

and all that I have now to ask is, that you will give a fair and candid consideration to what the friends of Temperance Societies have to offer on the other side. It requires more than ordinary strength of mind to be able to listen to an opponent's argument with indulgence, and to lend a favourable ear to what he has to say. But, nevertheless, I do indulge the hope that I shall not be disappointed in expecting this from you.

I shall therefore proceed to answer the arguments in your letter ; but not in the order in which you have advanced them. It will suit my line of reasoning best to answer your latter objections first. Your great argument is drawn from the toil and labor of a seamen's life, and the vicissitudes to which he is exposed. And your question amounts to this : Is he to have no spirits to strengthen and support and carry him cheerily through these labours ? Now, this argument proceeds upon the supposition that ardent spirits do really add to the strength and vigor of the human body, and enables it better to endure long fatigue. Now, my dear Sir, this position is positively not true : it is altogether a mistake. For summer's heat, in winter's cold, in the endurance of long continued labor, a man is altogether a stronger, healthier, happier, better man, if he let ardent spirits alone. This position I shall prove.

1st. From the very highest medical testimony.

2. From an appeal to various facts.—The following document has received the signatures of 77 medical practitioners in Edinburgh, and a similar testimony has been adduced by the Medical Board of Dublin, Manchester, and America.

" We the undersigned, declare our conviction that ardent spirits are *not* to be regarded as a nourishing article of diet ; they do *not* add to the strength of the body, that the habitual use of them is the principal cause of disease, poverty and misery in this place, and that the *entire disappearance* of them would powerfully contribute to improve the health and comfort of the community." To this statement the names of all the first medical practitioners in Edinburgh are annexed.

Now, it should be remembered, that Edinburgh is considered one of the first medical schools in the world. And 77 of the first practitioners of that city have not given their names lightly and without consideration, nor without extensive practical experience—" The members of the Grenock Medical Society condemn the habitual use of ar-

dent spirits, under the conviction that it predisposes to, and causes many diseases which it is difficult and sometimes impossible to cure, and that it in no way tends to the personal vigor of the body."

Sir Astley Cooper's opinion of ardent spirits is as follows:—

"No person has a greater hostility to dram-drinking than myself, insomuch that I never suffer, a rdent spirits in my house, thinking them *evil spirits*, and if the poor could witness the white livers, the dropsies, the *shattered nervous systems* which I have seen as the consequences of drinking, they would be aware that ardent spirits and *poisons* are synonymous terms."

Dear Sir, the great name of Sir Astley Cooper is not to be lightly treated. Those who are out of the profession can hardly conceive the thousands and thousands of cases that come with the sphere of his observation.

I shall now shew by facts.

2d. That experience has proved that ardent spirits do not sustain the human frame against the effects of wet or cold or fatigue. For some time after they have been used they always depress the muscular power, and the tone of the nervous system, and make the body far more liable to be injured by cold than it was before.

Examples—25 persons volunteered their services to cut a vessel out of the ice in an exceedingly severe winter's night. At day light only nine were able to persevere in the attempt; and on inquiry it appeared that none of these had tasted spirits. All the rest had in a greater or less degree made use of them, and had there not been inhabited buildings near where they were employed, several of these spirit drinkers must have perished. Those who abstained took a breakfast of hot coffee, and with that meal only completed a severe exertion of 24 hours, wet the whole time, and exposed to a degree of cold much below the freezing point.—*European Magazine, Nov. 1811.*—And stage coachmen are now beginning to find out, that the idea of spirits "*keeping out the cold*," though an old prejudice, is altogether a mistake, and that the way not to suffer from cold on the outsides of coaches in severe winter nights, is to let spirits alone—So much for cold. But is true in a *much higher degree* that spirits are hurtful in hot climates, on account of the *tendency of blood to the head*.—Dear Sir, I have a mass of examples on this subject that would perfectly astonish you; but our worthy Editor, declares that he

has not room for them. And the fair conclusion is, that ardent spirit is *not* good for man under any circumstances. In the burning heat of India, in the frozen regions of the North, in the endurance of long continued labor, in all the circumstances of life, man is healthier, happier, stronger and better without it.—And the Americans have proved this point on the broadest scale—experiment; and have shewn that ships can be admirably manned without ardent spirits. They have about 1000 merchant ships sailing on this principle. And it is the universal testimony of all who have tried it, that the ships are better manned and the duty better done. Ardent spirits are almost entirely expell-ed out of their Army and Navy, and I will venture to pro-phecy that they will not become a feeble and degenerate race on that account.—There is the strongest reason to be-lieve that the use of ardent spirits makes a puny under-sized degenerate race as may be seen from the population of large cities where the lower orders throng the *Gin Palaces*, built with almost royal magnificence to decoy the pence of the miserable poor.

But when I said that a seaman's duty is performed better without spirits, it is plain that in this statement allowance must be made for the miserable consequence of having *already acquired the habit*. Before a man can break off a vicious habit, and enjoy the blessing of liberty, he must en-counter at first the pain of privation, and the struggle of the contest for victory. But let two young sailor boys *begin* life, and let one acquire the habit, and let the other avoid it altogether, and at the end of a few years there will be no comparison, between the health and strength and vigour of the two. This fact is supported by universal experience; for men *under training* for wrestling, prize-fighting, and feats of great strength are not allowed one drop of spirits, as they are known to weaken the combat-ants, and unfit them for the contest.

But where the habit has been acquired;—the hankering of nature for an accustomed gratification, a seaman may mistake for an indication that spirit really does him good. But it may be a miserable mistake. You mention in your letter of seamen coming on shore from temperance ships, and indemnifying themselves, for the temporary privation, by committing dreadful excess. This not only proves that an old habit is not easily broken off, but that it will *come round upon a man* some months afterwards.

By the bye, dear Sir, you blame these men *as members* of the Temperance Society. Surely this is not fair. Men who abstain by compulsion in consequence of a bargain with the Captain are *not* members of the Temperance Society. And the credit of its *real* members is not at stake by their excesses. Moreover, you prove nothing against this imperfect system, even of compulsory membership, unless you could prove that the average excesses of the crews of 100 temperance ships, on coming into port, exceeded the average excess of 100 others, a fact which you yourself, as a sensible man, could never believe.

Another argument you offer is contained in the assertion that the "difference we endeavour to establish between ardent spirit and wine is untenable," for that their "nature and evil tendency are the same." But here, my dear Sir, I assure you that you are under a grievous mistake, and if you belief the testimony both of medical men, and others of first rate talents who have devoted much time and labor in ascertaining this point, you must indeed give up this position. Ardent spirit is eminently an ensnaring, deceitful, insinuating seducer. And it does mischief in this way in a degree incomparably beyond all that has ever been done by wine. They have ascertained the fact on the board scale of nations, that all vinous countries are comparatively temperate, whereas all spirituous countries are comparatively intemperate. And some of the first medical authorities in London have declared their belief, that all the mischief done by wine in England is not done by the native wines, as first manufactured abroad, but by the spirit put into the wine to suit the depraved taste of the English, and to fit it for the London market. That the native wines of the continent do not usually produce intoxication. But even in England, wine drunkards are by no means common. The drunkards that are found even in the highest ranks of life, are almost all of them brandy-drunkards. Ardent spirit is so enebaring, that as a general rule it may be said, that in a very large proportion of those who use it, moderation is impossible. My dear Sir, you talk about moderation ! Total abstinence is infinitely easier, as well as better in every respect. The moderation scheme is such a treacherous slippery ground to stand upon, that for the sake of others, if not for his own sake, no good man ought to set the example of trying it. And this is confirmed by your own experience, for you

yourself, in your own letter, speak of the intemperance of all sailors as they get on shore. What is this but the dreadful consequence of the taste for ardent spirit, that they have acquired by using it as an article of diet, shewing itself as soon as the discipline of the ship is removed? But the stubborn fact is, that whenever it comes into use among any body of the people, it makes that body intemperate. If it gets at all into use in a regiment, it prevails enough to stamp that regiment with the character of intemperance.

But setting aside intemperance, ardent spirit is not good for man in any quantity whatever. It directly saps the constitution, lays the foundation of many diseases, and shortens life. The first medical authority in the world has been produced from Britain to prove this point. But if you could see, what I know that the Medical men of this presidency have seen, in the hospitals, particularly in the general hospital for seamen, if you knew how many seamen of this port the Chaplain has attended to the grave, solely from the use of ardent spirit, your very soul would recoil with horror, and you would shudder at the bare thought of writing or saying a word to recommend its use!

I am now prepared to give an answer to your first objection, viz., that it is unfair to require self-denial from the poor, while we require none from the rich. The answer to this is, that the Temperance Society does not pretend to do away with the distinction between riches and poverty. It is the appointment of Providence in this world, that riches are a passport to all comforts and enjoyments of life, and that poverty and privation are synonymous terms. If it has been proved to the poor man that ardent spirit is positively hurtful to him, that in any quantity whatever, it impairs his health and strength, and in the long run lowers the tone of his animal happiness; that, besides this, it is so deceitful and ensnaring, that it is almost sure to run into excess, and to murder him both in body and in soul; then it is *his* interest to abandon it for ever. And the question, what the wealth of the rich man will or will not purchase, is quite beside the purpose, and has no rational connexion with the subject. The rich man says to his poor neighbour, "I know that spirit drinking will be your bane, and curse, and misery; and not yours alone, but that of thousands more. Therefore I will agree to abandon ardent spirit, if you will do the same, and we will join together in a society to put ardent spirit *out of caste*, and to drive it clean out of the country. It is for your happiness to agree

to this proposal, and if you do not, you many repent it for ever." What a senseless answer would it be, if the poor man were to begin arguing the point with his rich neighbour as to what his richness would purchase? I might illustrate it thus: Suppose I have 50 pounds a year, and you have 50,000, and we agree to join together in a society by which we engage *never to run into debt*. How utterly stupid would it be in me to come to you a few days afterwards and complain that for me to live upon 50 a year cost me great self-denial, whereas your living upon £50,000, cost you no self-denial at all. Your evident answer would be, "My dear Sir, it is for *your* interest to keep out of debt; and, however small your income may be, running into debt and incurring the horrors of a goal, will not mend the matter. As for the question what indulgencies my £50,000 a year will buy, that is quite beside the purpose. And if you are so silly as to run into debt, because I am a rich man, when you are lodged in gaol, you will repent of it. So I advise you to stick by our anti-debt society, and live according to its rules." This would be a full and fair answer on my part, to which I could raise no rational objection. And so it is in the present case. If I ask the poor man to give up spirit, which is poison to his body and destruction to his soul, I am not therefore bound in fair upright dealing, to give up wine which is neither the one nor the other! But I will admit this much, that though the rich are not bound on the ground of *justice*, yet on the loftier ground of Christian charity, if it could be shewn that the poor man could not be kept from murdering himself with ardent spirit, any other way than by the rich giving up their wine; and that this *would* do it; then I say on the ground of charity, it *would* be the duty of the rich to say, "We will drink no wine while the world standeth, rather than ruin our brother and make him to offend." But the reason the true friends of Temperance Societies have not adopted this course, is, because they have no evidence that this is the case. They have put Temperance Societies on this footing, *not* for their own self indulgence, but because they honestly believe that the *experience* of the Societies *already formed* warrants them to expect that Temperance Societies will flourish *more* extensively on this plan than on any other. By the last accounts from America, they have twelve hundred thousand members of their Temperance Societies; 10,000 dealers have given up the trade, and many thousands distilleries have been abandon-

ed. Moreover, all experience has shewn, that wherever there is a thriving Temperance Society; for every actual member that it contains there are at least six others more or less under its influence. Now, suppose only half these accounts be true, what glorious results are these. With such a noble spectacle as this before us, why should we despair? And surely we are warranted to abide by their plan, rather than try any other of which we have had no experience! You say that "our principle will fail, and that our ship will run aground." Oh! my dear Sir! I hope not; for I verily believe that things are come to such a pass, that the prosperity of our country is suspended upon it. In these times, when so much political power is put into the hands of the common people, I verily believe that the prosperity of England will stand or fall with the temperance cause.

AN ADVOCATE FOR TEMPERANCE SOCIETIES.

BRONTE'S CANDID REPLY TO THE "ADVOCATE FOR TEMPERANCE SOCIETIES."

DEAR SIR,—I have perused your reply to my letter on Temperance Societies with that attention which so mild and temperate an appeal to my understanding justly demands; but pardon me, when I candidly confess, that, notwithstanding the zeal and ability which you have displayed, and the high and talented authority which you have quoted in favour of that system you so strenuously advocate, my judgment and conviction, in opposition to your views, remain fixed and unalterable.

To support my opinion and prove an assertion so diametrically opposed to your side of the question, it is necessary that I should oppose hearsay evidence, and partial statements, by matters of stubborn fact, attested by practice and experience.

Having been professionally associated with British seamen for nearly thirty-three years, and having studied the naval history of our common country with becoming pride and admiration, I sensibly feel that my knowledge of the habits and the character of English sailors is entitled to some consideration, and I do say, that whoever inadvertently lends an ear to that exclusive system which will deprive those brave but neglected men of so trifling an indulgence

as their grog, sanctions by his vote an act of injustice and ingratitude, while he, who has witnessed the hardships endured by seamen in all the vicissitudes to which their eventful life is exposed, and must know the privations incident to a sea life, and yet can partake of luxuries within his own reach, and deny one source of indulgence or enjoyment to those his less favoured brethren, does not conform to that divine injunction which bids us "do to others, as we would they should do unto us." Such a person's judgment is warped by prejudice, and buoyed up with the flattering hope of popular applause. He forgets what is due to seamen, and cannot with sincerity boast to be the sailor's friend.

I have nowhere hazarded an opinion that ardent spirits really add to the strength and vigour of the human body, but I do believe that a moderate allowance, diluted and served out with the customary restrictions, as practised on board all well regulated ships, is essential for the preservation of health; inasmuch as comfort, content, and cheerfulness, dispel every tendency to gloom and discontent; and we are led to believe, that a happy state of mind is in union with health while despondency preys on the human frame until disease and misery undermine the constitution.

Need I call to mind the happy results of Captain Cook's benevolent system of naval rule, when the fiddle and dance, the grog and jovial song, passed merrily around, infusing throughout a spirit of harmony and good will, while the health of the several crews committed to the charge of that renowned seaman and navigator, was more remarkable than had hitherto been known.

I will enforce this argument by matters of fact within my own knowledge and experience.

In 1807, I was junior officer on board one of the Honourable Company's Ships which conveyed to Madras the headquarters of H.-M. 14th Regt. of Foot 509, officers, men, women, and children, which, together with 145 officers and seamen, made in all 654 souls. The grog system prevailed.—Our passage being out of season, occupied five months; only one man died, and discipline, content and good order were sustained throughout the voyage.

I have commanded several ships with upwards of 450 men on board; have always pursued the same system, and the same happy issue has been the result.

This is practice versus theory; and allow me to ask if grog ever tended to disparage the courage, discipline or

patriotism of our gallant tars, who conquered off Cape St. Vincent, at the Nile and Trafalgar? Has their dauntless zeal and intrepidity been shaken in every peril to which their lives are exposed, when called either to defend their country's cause, or promote her welfare and prosperity, by sharing in common with mankind, the frailties from which none of us are exempt? No, decidedly not. Any evils which have arisen from the abuse of grog on board ship, attach to those who have failed in support of well known rules and regulations. Drunkenness rarely happens on board a well disciplined ship, and excess to that extent which can be injurious to health, is impossible. Let us bear in mind the dreadful mutiny at the Nore, and be cautious how we meddle and interfere with the habits of British seamen. Trifling privations and neglect to their wants and comforts, led to that lamentable revolt, which threatened to involve the Navy in ruin and disgrace, and shake the stability of Old England to its very base. I cannot refrain from expressing my surprise and astonishment, that any class of men can advocate the abrogation of a just, a simple, and a necessary indulgence, or that they can so heedlessly tamper with a system which has worked well. Surely they ought to know the best and wisest policy, is to leave well alone.

Beyond the cases I have given in support of my argument, the state and condition of the British Navy for the last thirty years, is a complete refutation of that idea so current amongst Temperance Societies, that a daily allowance of grog is unwholesome, and I will venture to say that health has been better preserved throughout the Navy and the Honorable Company's Mercantile Marine, by a relative comparison as to the number of human beings congregated in large masses on land and by sea.

I will now examine* the points of argument which your are of opinion prove your case.

As for the gin palaces, I do indeed consider them as disgraceful places of resort, where an evil spirit is poured down, and whence blasphemy and sedition are vomited forth.

With regard to the exemplary effects produced by the Temperance Societies in the United Kingdom and America, no person can wish to detract from merit due to the zealous advocacy of that benevolence and humanity, which laid the foundation of those institutions.

It is the folly and vanity, which has worked on that foundation, which I contend against. *The exclusive sys-*

tem which enjoins total abstinence on one side, and sanctions every indulgence on the other.

If the soldier in India is deprived the use of all spirituous liquors, what other beverage can he indulge in?

Equally destitute is the sailor's case. Beer shops are without the reach of these classes of our fellow subjects.

However great and influential may be the opinion of Sir Astely Cooper and the 77 medical practitioners of Edinburgh, I take leave to observe, that their argument is founded on the extremity of the horrible vice of habitual drunkenness, and the train of wretchedness and misery which inevitably follows such a vicious life. Moreover, when they condemn the use of spirits, they sanction beer as a substitute, which can only be obtained throughout the United Kingdom.

However, unless it can be proved that such a numerical force of science and skill have had the benefit or practical experience amongst soldiers and seamen, and shared with them the toils and dangers incident to their profession by land and sea, such fire-side argument as they have propounded will in no degree weaken my sentiments.

In America, dram-drinking had reached such a dreadful length, that the enormity of the evil, induced the remedy, which I am glad to learn from you has had such a beneficial result.

Extremes are dangerous. Then let the Temperance Societies act with more consistency and leave soldiers and sailors to the care, protection, and guidance of those whose duty it is to watch over their welfare and prosperity, and who surely are more able counsellors in all professional habits and associations than inexperienced folks can be, and who are impelled by the highest principles which the honour, and prosperity of their professional character can inspire. Surely, I say, these guardians of their own and their country's reputation are the best judges whether a moderate allowance of spirituous liquor is either subversive of discipline, or injurious to health; whether temperance and sobriety are to be confounded with riot and intoxication, or whether the innocent are to suffer with the guilty.

It is a well known fact that brandy and water has frequently, and very generally, been recommended as a more wholesome beverage than wine or beer.

As for the examples offered to my notice of temperanceships, I have to observe that those who serve on board them, and subscribe to such arbitrary rules, as the respective ship-owners impose, are bound to yield and obey: but I fear,

greatly to the discredit of the merchant service. There are many instances where a great shew of virtue and morality is made subservient to the ready impulse of economy. But, in fact, such is the wide spreading mania for reform and innovation, that were a meeting of ship-owners convened to consider the deleterious effects of a salt meat diet at sea, the substitute to be farinaceous food, economy would respond to the call, and honest jack then would be reduced to a diet alike in all respects to that which is issued throughout our prisons, and really there is more reason to condemn salt provisions than grog, in their relative effects on man's health and constitution.

If wealth is a passport to all the comforts and enjoyments of life, and poverty is a barrier against such luxuries, why should arbitrary laws shut out from the poor those means of indulgence which the bountiful hand of providence has placed within their reach.

Ardent spirits, under due control, are to the poor, what wine and other liquors are to the rich ; and while the one party pursue their social habits of enjoyment, as they feel inclined, so have the other party an equal right to an unrestrained source of pleasure and gratification. It requires but little reflection on this essential point of our argument, to show how fallacious must be every attempt to enforce total abstinence, and how arrogant are the doctrines which pretend to dictate such extravagant terms to one portion of the community, without a shadow of right to maintain their cause, or any well grounded plea of necessity to urge the expediency of so partial a measure.

The poor man may say he has been condemned unheard, and although he may not presume to define those insidious snares which beset the higher classes of society through unrestrained indulgences, yet he has heard they are not exempt from the pernicious evils which cling to a life of debauchery and excess, and will plead the urgency of consistent principles on both sides. "A scorn of flattery and a zeal for truth," should be our motto.

Finally. It remains due to those principles, which I shall always endeavour to cherish and uphold, to assure you that my abhorrence of drunkenness and the vices which follow in the train of that evil propensity, is as great as any other person's can be ; but as long as I command a ship, I will never consent to a system of privation on the one hand, without setting an example of extreme self denial myself, and portioning justice with an even hand.

I agree with you, that in this season of political clamour and excitement, it behoves every British subject to be vigilant. I do not, however, attach so much importance as you appear to do, to the rise or fall of the Temperance Societies, and the consequent stability or danger of the empire at large ; but I do verily believe, the ardent passion which now sways the multitude for reform or innovation, is fraught with extreme danger to the rights, the liberties, and independence of Great Britain, threatening to involve in one chaos of anarchy and revolution, the very basis of our glorious constitution !

Church and State, fame and glory, with all our boasted institutions, long guarded and governed by the transcendent genius of Britannia, and shielded by the favour and protection of Divine Providence, are placed in jeopardy by the daring attempts of an insidious, and an agitating foe, which can only be frustrated by the happy union of loyalty and unswerving devotion to the best and truest interests of the British Empire.

Let the standard principles of patriotism be the first and highest incentive to our public duties ; let us again unfurl Nelson's immortal signal, and under its sublime and inspiring impulse, repeat with heart and soul, "England expects every man will do his duty."

Should you deem this letter worthy a reply, I beg to assure you, that I shall feel highly gratified by the favour of your further notice. My professional duties will have called me away from this Port ere I can have that pleasure, but your letter will be duly forwarded to my address, and shall meet with every candour and consideration.

I request you will accept my best thanks for the frank and courteous manner with which you have treated the subject of our dispute, which I hail as the surest pledge that the question at issue may be discussed with freedom and impartiality. Should it ever fall to my lot to have the pleasure of receiving you as my guest on board ship, I feel every confidence that the long cherished habit of social mirth and healthful recreation, which seamen when happy and contented indulge in, would win you to their cause, and convert you to that system of temperance and rational enjoyment urged and recommended by,

Dear Sir,

Your's very truly,

Bombay, July 10th, 1835.

BRONTE.

REPLY TO BRONTE.

MY DEAR BRONTE.—Your earnest pleading for the grog system is *intended* in kindness to the seamen; but believe me, dear Sir, it is a pseudo-philanthropy, a mistaken kindness. They would be altogether *stronger, healthier*, happier men without it. Moderation in spirits with that class of men has been proved to be a downright impossibility, and it is idle pleading for the advantages of an impossibility, even if it could be shewn that there was any *real* advantage in the use of ardent spirit. You talk of moderation on board ship being a security against the evils of spirit drinking, as if the men were *never* to go ashore, and leave your ship. But they *do go ashore* and commit dreadful excesses, in consequence of the *taste* for *ardent* spirit acquired by the habit of using it on board ship. Then what avail is your ship discipline when the voyage is over and you have perhaps discharged the men? Can it be said that I am “not the seaman’s friend,” because I want to keep them from that which does them injury? Or is this “not doing as I would be done by?” It may be meant in kindness, but nothing is more *cruel* than a false and mistaken indulgence.

I am not a little amused at your calling your *own* experience, in your *own* ship, *fact* and *practice*, and getting rid of seven hundred ships and *their* experience by calling them all theory. But, my dear Sir, if you had the misfortune to run foul of one of these 700 ships in a gale of wind, on a dark night, you would find to your cost that it was not a theoretical ship, but a solid, substantial, practical one. But there have been several temperance ships in *this port*. I myself conversed with the crew of one of them, and the men were as cheerful, happy, and contented as any grog drinkers in the world. And so far as I could judge by their outward appearance, truth obliges me to say, that they looked incomparably *more* healthy.

My dear Sir, you are pleased to style our side “theory versus practice.” But I think I can prove to you that the *theory* is all on your side, and the *practice* is on ours in a way you little expect. An old sea captain said to me not long ago, that he had been twenty years at sea, and that he knew very well that seamen could *not* do without grog, for that a ship could *not* be so well manned without it. And pray, my dear Sir, I replied, let me ask you one question, did you ever fairly *try the experiment* for one whole

year, and command a ship upon the temperance principle to see how it would succeed? His answer was, "No; I never did." Well then, my dear Sir, your experience is all on *one side of the question*. A one-sided view of any question never forms a rational ground to go upon. And I will venture to say, that if I were to put to *you* the same question, *you* would be obliged to give me the same answer. The Captains of the temperance ships, both of England and America, have tried *both sides* of the question; you have tried only *one*. They know by experience what grog will do, as well as you. Probably some of the Captains of these 700 ships sailed upon the old grog system long before you ever went to sea. Therefore *they* are thoroughly acquainted with *your* side of the question, but *you* know nothing at all of *theirs* from your own experience. And these Captains—one and all—state that their ships are far *better* manned, and much safer without spirits than when they used to sail with them. And the *owners of cargoes* and the underwriters are all of the same opinion. I have a document now before me, in which it appears that a partner of the House of Baring and Brothers, London, states, that they have continual complaints from their own agents on the continent that they can get no freight at all, as long as American temperance ships are in port. In Amsterdam, for instance, they wrote to their agent to know why he had not obtained freight. His reply was in the following words:—"There are ships commanded by temperance Captains, and while they remain, offers are made to none others. And indeed I cannot find it in my heart to blame them, for we ourselves do the same; we have often walked over the decks of English ships to get to American ships, because they are sailed on the temperance principle." I hope the time is not far distant when you too, my dear Sir, will be obliged to sail your ship on the temperance principle in order to get a freight.

I have another document, by which it appears that temperance ships may be insured one per cent. lower than all other ships. This is the opinion of merchants and underwriters on shore, that understood their own interest, who are not themselves members of any Temperance Society.

You have not, dear Sir, shewn your usual candour in attributing merely parsimonious motives to 700 Captains; not only without any proofs, but even against strong circumstantial proof to the contrary.* An address of the committee of the Temperance Society to the state of New York

(now lying before me) states the reasons of their conduct with irresistible strength of argument. After describing, as you justly say, the "*frightful state*" into which the whole nation had fallen, the address proceeds to say, "The hideous vice was unceasingly talked against, preached against, prayed against, and legislated against, but all in vain. An infant could as easily stop the cataract of Niagara, as these means could the raging of intemperance. The doctrine of *moderation* was found utterly useless. Every body *praised* moderation and preached it, and *professed* to practice it, but moderation was found *impossible*. Moderation in theory always ended in drunkenness in practice. But, we bless God, that the expedients to arrest and turn this burning tide were not all exhausted. We bless him there was one which human wisdom had not yet conceived, which was destined by the Almighty to exert a power that should arrest the march of the destroyers. Total obstinacy was that power, &c."

Hundreds of men of first rate talent, had turned the whole energies of their minds, and bent their whole soul to the subject, and all had come to the conclusion, that nothing could save the utter ruin of their country but a universal combination to put ardent spirits utterly *out of caste*, to labor to make every *American*, whether on land or on the sea, hate and abhor the very name of spirits, and to do nothing to redeem them from shame and disgrace. All schemes, short of this, were driven away like chaff before the hurricane. When then, 700 Captains acted upon this principle, the *only* principle, that could save their country. Surely, dear Sir, it is not fair to attribute to them selfish and interested motives.

Dear Sir, you surely misunderstand Sir Astley Cooper. He says not one word about the *immoderate* use of ardent spirit. He says, "Ardent spirits are *poison*, and I never suffer them to *come into my house*, for I consider them *evil spirits*." Did he then by these words mean to recommend the moderate use of poison.

But to return to your experience, dear Sir. You have not had the one hundredth part the experience of *sailors' death beds* that I have had. Oh! I could tell you a tale on this subject, at which your very soul would sicken. Night after night I have attended to the grave, the last remains of the sailors of this port, almost all of them young enough to be my children; though I am by no means an old man. And, with scarce an exception, every case is owing to ardent spirits.

And after all, dear Sir, what is the *nature* of your experience in this matter. Young sailor boys of 18 or 20 years of age, the flower of our British youth, present themselves on the quay to be hired, and after running the gauntlet of the grog system, some seven or ten years (I speak of the majority of them) they go and die in a hospital, while yet they have scarce attained the prime of life, and you hear no more about them. And their places are filled up by a new generation of British youths who crowd around the Captains for employment. Dear Sir, you talk about grog and dancing to the fiddle. I am not afraid to challenge you to this experiment. You shall take twenty of our English boys, and let ten of them *learn* to drink spirits and let the other ten *never* touch it; and I am not afraid to venture all that I am worth, that the water-drinkers will be *merrier*, lighter of heart, and lighter of limb; that they will dance to your very heart's content, and continue to dance for years after the grog-drinkers have drunk themselves into their graves.

I am, &c.

A TEMPERANCE ADVOCATE.

**BRONTE'S FAREWELL ADDRESS TO THE ADVOCATE FOR
TEMPERANCE SOCIETY.**

My friend the "Advocate for Temperance Societies," will I hope accept my apology for the long silence I have preserved since I was favored with his last letter.—The foregoing pages will shew a zealous undertaking, and plead in my behalf, whilst to use a sailor's phrase, I have been occupied at my day's work, bringing up my log, and will now endeavour to bring up the leeway. Although Bronte sustained some apparent damage through the raking fire to which he lay exposed, he is now enabled to resume the action, and while he has a shot in the locker, he will never strike!

No! the ardent spirits of his devoted crew bid defiance to the few ill directed broadsides from the "Temperance exclusive," and renew their fire under the flag of "Moderation," until the steady aim of practice and experience shall silence their adversary, grapple with him, and board him in the smoke of his obnoxious system. Now to be serious, every account which has reached me of the conduct of temperance ship's crews, fully proves that they serve under a forced system, and are consequently discontented; they are merely governed by temporary control; their conversion is

only for time present, and their old habits still cling to them.

The argument urged by my correspondent, as to the benefit of relative insurance, is a mere report. I never heard of any such distinction, and can assure him the ship Victory under my command was insured for her voyage to Bombay and fro, upon the lowest terms, and no question was started as to her being a temperance ship or not. The Temperance Advocate has allowed his zeal to get the better of his judgment, and his prejudice to be warped beyond the reach of his usual candour and liberality, by his ungenerous supposition that time and circumstances will induce a change in my opinions, that the luring chance of gain and selfish consideration, shall compel Bronte to surrender the rights of seamen to serve himself.

"Hope told a flattering tale," but I trust the visionary ideas of my temperance friend will speedily take flight and soar beyond those earthly things, which like "the baseless fabric of a vision, leave not a wreck behind."

With reference to Sir Astley Cooper, who forbade the use of ardent spirits from under his roof, and denominated them as poisonous, did he at the same time prohibit the use of wine, liquors, and beer?

The Temperance Advocate sneers at my experience, and tells of others who can boast of a longer term. God help them! for they must be grey headed, feeble, and old; they must verge on that limit of servitude, when, as some waggish folks declare, men assimilate to the character of old women!

By way of example, the Advocate cites his own experience, dying scenes, and death bed confessions! and what do these amount to? A few in proportion of the vast number of seamen who touch at the port of Bombay, worn out by a train of debauchery and disease, contracted through a series of evil contamination on shore; the miserable victims of that vice and intemperance fostered by pernicious habits and vile associations, when let loose from good order, moderation, and wholesome discipline on board ship. The sailor thus becomes a ready prey to drunkenness and dissipation; while neglected and forlorn, he riots and revels without control until at last worn out, he seeks a hospital asylum, and unburthened his conscience to his spiritual and consoling friend.—The origin of such misery takes root on shore, and there the evil should be rooted out.*

* "When a seaman is paid off from a ship of war, or leaves a merchant vessel, he steps at once into a mode of life totally dissimilar from that which he may have been leading for years past. The man who yesterday was under the strictest discipline,

The zeal and fidelity of my friend the Advocate to the high calling of his own profession, is my plea of justification for an ardent love and attachment to mine, and I trust he will pardon me when I again recommend him to confide the care and management of soldiers and sailors to those who are their lawful superiors, and who can best appreciate

and subject to the most rigorous control, to-day finds himself entirely master of his own will. The same person who, an hour ago, neither ate nor drank, slept nor awoke—nay, it may be almost said, thought nor acted, but at the bidding of another, now discovers himself cast wholly upon the resources of his own mind for every thing that is needful to keep him in existence. There is no system of superintendence for the sailor, when he is out of his regular employment in a ship, whilst, arising from the very nature of his calling, there is no one who is so incapable of looking after himself; there is no piping the hammocks up, nor piping to dinner on shore.

"In considering the general character of the English seaman, it will be useful to track him from the earliest period of life that intelligence begins to dawn upon the mind. It may be asked, what kind of person is it that is usually allured by the attractions of a sea life?—for attractions it certainly has for many. Is it one who in childhood discovers a disposition easy to be controlled, whether by the mild sway of reason or by the harsher appeal to chastisement? Is it one who in boyhood is fearful to break his bounds at school, or reluctant to join in any of those puerile though often dangerous enterprises in which boys often engage? Is it one who, in incipient manhood, would willingly place himself under the restraints of society for the sake of the advantages which flow from conformity to its usages?—No. He who makes choice of the toilsome and eventful profession of a sailor, is generally one of quite a different stamp. It is one who desires a life of perpetual change—one who longs to visit distant and extraordinary scenes—one who loves danger for its own sake—whose restless mind seeks a fresh impulse in every novelty, and who has the pride of a perilous calling mixed up with the first and warmest affections of his heart. Now, when the natural disposition of such a person becomes strengthened by association with those whom he finds on board, and confirmed by the education that a ship is sure to prove, what sort of being is produced and set afloat amid the storms of life? It is one who, if placed in a difficulty, will find you presence of mind and energy to overcome it—if shown a danger, will find you the courage to meet it—or if presented with an object of beauty or wonder, will regard it with all the enthusiasm of genuine admiration.

"But if with all this, he is taken out of his peculiar element, and cast adrift on the world, it is surely not surprising that he is not found possessed of the commonest prudence or foresight in the ordinary affairs of life; you will discover him to be eager for stimulating objects, without a single particle of reflection in the head, or a solitary principle in the heart, that might tend to rescue him from passive yielding to riot and sensuality. The dispositions of seamen when on shore are well known to be improvident, and their habits for the most part thoughtless and evil; their liability to be drawn into vice is great,—their power to resist temptation small. They consider the consequences of error to be insignificant, because they believe the remedy to lie in their being able to get to sea again, where they would fain hope, as the lessening land fades from their view, to lose sight also of those days of intoxication and nights of excess, which in spite of themselves recur to their mind at times; and that the first spray which dashes over their weather-beaten features, as the ship shapes her course over the broad ocean will wash out the memory of the oft-violated rules of decency, the oft-despised laws of man, and the oft-broken commandments of their Maker. It is true, the man's circumstances change and materially change for the time, but the heart remains the same, and he carries with him to the most distant corners of the earth, and puts into practice whenever the opportunity occurs, the lessons he has learned in the larger seaports of his native land.

"The general conduct of seamen is not to be mistaken by those who live in the neighbourhood to which they usually resort. The company that most of them are disposed to seek, and that few are able (if willing) to avoid, is of the lowest and worst description; their carelessness as it respects money, is proverbial,—their intemperance almost a matter of course,—their deportment vain and foolish,—their manner overbearing and turbulent, and their language profane and ribald. The worst parts of a sailor's character predominate when he is placed in ordinary circumstances on shore; the best

their habits and their necessities ; such meddling and interfering with naval and military customs, and the principles which involve subordination, can do no good, and may be productive of much harm. The Victory is a temperance ship, under every just and liberal construction of that term ; as such I shall endeavour to preserve her. Temperance is moderation, and when the too rigid advocates of those societies pervert that interpretation, and construe it into *total abstinence*, their own conscience will tell their inconsistency, and proclaim, with the folly and inutility of the attempt, the weakness of their understanding.

This farewell address to the Advocate for Temperance Societies, on his *exclusive notions and speculative ideas*, will convince him that he cannot convert the staunch friend and adherent to acknowledged rights, undoubted claims, and the resources of rational enjoyment. Then, dear Mr. Advocate, let us leave well alone, and with mutual good will and cordiality, bid each other farewell !

BRONTE.

Madras, 1st September, 1835.

OPINION OF COUNSEL.

*Copy of Counsel's Opinion in the case of the H. C. ship Thomas Coutts, relative to the seamen taken by H. M. ship Glasgow, from the H. C. ship Thomas Coutts.**

1st. Whether the Lieutenant of His Majesty's ship *Glas-*

side of it is seen when he falls into peculiar situations at sea. It is in the battle, or the storm, or when the ship is in danger of wreck, that the nobler parts of the English sailor's character are developed ; whilst to compare the sturdiness and cool determination of his conduct at such times, with the loose and feverish tenor of his behaviour in the midst of revelry on shore, it is scarcely conceivable how such opposite qualities can possibly combine in the same individual"—*United Service Journal*.

"By the General of the Fleet, Sir William Penn, A. D., 1654 That every person that shall blaspheme the name of God, or swear, or be drunk on board any ship of the fleet, whether the said person belong to the shore, or to any merchant ship or vessel, shall be punished after this manner, viz., for every such offence, he shall pay five shillings, or twenty pounds of sugar, which is to be converted to the use of the sick and wounded of the ship where such an offence shall be committed ; and in case of non payment thereof, the party offending to suffer twenty stripes on the bare back, to be given him with the whip wherewith offenders in such or the like cases are usually punished."

Swearing and drunkenness are so strictly forbidden, and guarded against on board the Royal William, Captain Ireland, now in these roads, that not one instance, of so prevalent an offence among seamen, has occurred throughout the passage. Every seaman drinks his grog at the tub, and good order prevails throughout the Royal William, highly creditable to all on board from stem to stern.

* See page 9.

gov was justified in acting in the manner he did, and if not, what remedy the owners of the *Thomas Coutts* can resort to, for an indemnity? and,

2d. Whether on any future occasion the officers of the Company's ships can resist the right claimed by His Majesty's officers to come on board and ask the men to volunteer, and take any and what steps to prevent a repetition of the evil practised in the present case?

Opinion.—We think an officer of His Majesty's navy cannot justify the coming on board the Company's ships, without the consent, and against the will of the commander of such ships, for the purpose of endeavouring to procure volunteers, this case is distinguishable from that of coming on board for the purpose of impressing seamen who have already agreed to enter into the service of the navy, which may perhaps be governed by different principles.

In this particular case we think no action could be maintained with any probability of success; for however unjustifiable the conduct of the Lieut. may have been, and in our opinion was, we think the subsequent circumstances (viz., the commander of the ship *Thomas Coutts* allowing his men to be mustered) may amount in law to a sufficient consent, to take away all remedy by an action of trespass.

(Signed) W. G. ADAM,

1st July, 1823.

STEPHEN LUSHINGTON,

N. C. TINDAL.

(A true copy.)

JNO. P. FILHER.

King's Arms^{} Yard, 22d Dec., 1824.*

Beyond the grievance to which the above opinion refers there exists to the present day an arbitrary and a very unjust law which compels the Master of a merchant vessel to receive the refuse of seamen, invalids, outcasts, good or bad, from his Majesty's squadron, upon terms dictated by some act of Parliament, which was neither governed by a spirit of justice or humanity, and is unfair and illiberal to the men themselves, as well as to those who are obliged to receive them.

It has occurred twice in this very roadstead, that seamen, under the denomination of invalids, have been sent on

board ships ready for sea, their cargoes complete, their crew efficient, and with a space left, barely sufficient for the ship's company; yet the Commanders have in a measure, been forced to receive a number of such intruders, and, in ignorance of their character, have been obliged to add to the care and responsibility which devolves upon themselves by an additional number of hands, not only useless, but likely to become very troublesome; for who are so incorrigible as this class of idlers, especially if they really are the turn out of a man of war's crew; among the number of one these divisions, was a master's mate, and a degraded officer is about the worst of characters one may by chance have to deal with.*

Now, in the face of this absurd act of parliament, I do say there is a course of justice, and a line of policy, marked out by that system which is both liberal and expedient which renders the repeal of this legislative enactment absolutely necessary, and this revision is justly due to the Merchant Service, as well as to seamen who are invalidated from the Navy. The passage of such men should be secured by open tender and contract on the same principle and practice as governs the usage which provides for a similar class of men from the King's or the Company's army, instead of which, these neglected men are sent on board ship without any surety for their comfort or convenience, against the consent of the Commander, and entirely dependent on his will or caprice. Besides this, the remuneration for such passengers is not adequate, but is most arbitrary and unjust.

I beg to be understood as casting no reproach on the naval government abroad. The duty which this obnoxious measure forces upon naval officers is repugnant to their own judgment and discretion, but they must obey, and we are forced to yield.

The following letters from Captain E. P. Brenton, author of a "Naval History of Great Britain," in reply to some suggestions that I ventured to urge, and which, I regret to say, the gallant Captain omitted any further notice of, contain the ideas of that experienced and talented Officer on the important point to which the foregoing opinion of counsel refers, and other subjects which I have elsewhere made comments upon.

* The Lieutenant apprized the Commander to whom he committed this charge, that due vigilance and caution over this Officer's habits were necessary.

The facts relating to East Indiamen, referred to an error in his naval history, in the 3d vol. p. 329, where the merit of putting Admiral Sercey, and five French frigates to flight, by five Indiamen, is awarded to Captain Lennox, instead of Captain Farquharson, of H. C. S. *Alfred*, to whom that daring and skilful enterprize is entirely due,

*"To Captain C. Biden,
H. C. S. Princess Charlotte of Wales."*

"SIR,"

"I beg to return you my sincere thanks for the honor of your obliging letter of the 14th instant, which want of time alone has prevented my answering sooner.

"Your remarks are so just that I trust the day is not very far distant when you will see them all embodied in the naval history of England. The facts affording additional proof of the seamanship and exemplary conduct of our East Indiamen shall be carefully noted. The act of Parliament respecting the prohibition of these ships hoisting a naval Ensign, I have not seen, though I have heard of it, and should be much obliged if you could point it out to me that I may refer to it. It shall not pass without a very strong observation in my next volume (the 4th) now in the press.

"I have not yet heard from my Bookseller that you had done me the honor to place your name as a Subscriber for two copies of my work. If you are not already provided with them, I will order them to be sent to you at the subscriber's price.

I have the honor to be,

Sir,

Your obliged and obedient servant,

(Signed) Edw. P. BRENTON, Captain,
Royal Navy."

Park Lane, January 17th, 1825.

"To Captain C. Biden.

"SIR,"

"I was honored with your obliging letter of the 21st inst., and am sorry that want of time has prevented my replying earlier to its various contents. The act of Parliament is very acceptable, and shall be mentioned with a suitable comment in the 4th volume; also the shameful practice of taking the seamen from the Indiamen when abroad, not

in war only, but also in times of profound peace, when supernumeraries might so easily be procured and sent to India to fill up the complements of the ships of war. I have ever been a determined enemy to impressment, and shall never alter my opinion. I do not mean to say that state necessity might under certain great emergencies be pleaded, but until *fair* means of obtaining seamen for the navy have been resorted to, I would never consent to the violation of their rights.

"I shall be very glad to inspect the patent fid, but know not whether I shall have time before the 2d of February, (Wednesday next,) when I shall probably be in the city. Should business or pleasure lead you to this end of London I shall be very happy to have the honor of seeing and conversing with you.

I remain Sir,
Your most obliged humble servant,
(Signed) EDW. P. BRENTON."

Park Lane, January 26th, 1825.

POSTSCRIPT.

WHAT REMEDY IS NOW AVAILABLE TO COUNTERACT THOSE EVILS AS HERETOFORE SET FORTH AND EXEMPLIFIED? I have very high authority for stating, that it is in the power of the supreme civil and judicial governments of India, to open the high Court of Admiralty within their jurisdiction, at all times and seasons. If this boon is compatible with their high office, it will be hailed with gratitude by the mercantile community, a prompt and summary means of jurisdiction, a ready, sure, and certain mode of obtaining redress under every aggravated case of oppression or misrule on the one hand, and of mutiny or insubordination on the other, at once dignified in every judicial character, and effectual in expediency and example, will root out the evils that still prevail, and heal with a salutary revision, the mischief and wanton aggression which now hastens the condition of the merchant service to a serious and an alarming crisis.

My motives throughout this publication are chiefly directed to such proofs of the glaring evils which involve the merchant service in great difficulty and danger, jealous as I am of the well earned character and reputation of a large majority of that branch of our national greatness and prosper-

ity, yet I conceive the surest foundation for removing the faults which still pervade a portion of that professional branch, is to shew forth every known error, every well attested grievance. Therefore, without any comment from my pen, I shall add the cogent reasoning on the same subject from the pages of a most useful, interesting, and ably conducted periodical ; but, at the same time, I cannot refrain from placing, by way of contrast to the folly and imbecility of command as quoted by the Editor of that journal, a few brilliant touches of noble conduct, a summary of those bright and imperishable deeds which skill and intrepidity have proclaimed to an admiring world. History records in glowing colours the services performed through a long series of talented seamanship displayed by the maritime service of the Honourable East India Company, by private ships, West Indiamen, Guineamen, and others, that I need only point out as examples for emulation and zeal, the admirable precision and celerity by which many skilful navigators have traversed, *through ocean's vast*, and waved old England's flag in every sea and 'mid every clime, while ardent courage and intrepidity, united with consummate skill, place on record the repulse of the French Admirals Sercey and Linois, the gallant exploits of Commodore Wilson, Captain Barrett of the *Cumberland*, West Indiaman, the *Windsor Castle*, packet, and the distinguished skill and bravery of Captain Hugh Crow, of the *Will*, a Guineaman, and conspicuously revert to the skilful and resolute defence made against a superior force by Captains Jamieson, Meriton, and Larkins of the Honorable Company's Service. Whilst HUMANITY, blended with every one of these enviable qualifications, has recorded on the tablet of fame, the noble services of Captain Patton of the Honorable Company's ship *Ocean*, who under every trial of danger and difficulty, when wrecked on the island Kalatea in the Pacific Ocean, evinced the utmost fortitude and resolution on that barbarous shore, surrounded by savages in a state of incessant and daring hostility, yet his admirable presence of mind and perfect system of discipline, rescued the whole of the *Ocean's* crew, and under Divine protection, restored them in safety to their native land.*

* The H. C. S. *Ocean* was one of the six Indiamen which pursued Admiral Sercey. Captain J. Farquharson, with great presence of mind, displayed the flag of a Vice Admiral of the Blue, and each ship, following his noble example, hoisted the naval ensign and pendant, and the gallant Captains emulated each other in pursuit of a flying enemy. Shortly after this event, the *Ocean* was wrecked, and the *Alfred* narrowly escaped the same disaster. These occurrences took place in January 1797.

Captain Weatherall of the ship *Prince Blucher*, saved from impending destruction, near 400 men, women and children of his Majesty's 78th Regiment, wrecked in the *Frances Charlotte*, and cast away on the barren rock, Pre-paris, in the Bay of Bengal. The *Blucher* lost her masts and boats and narrowly escaped the same fate.

Thus the persevering, arduous, and most honourable services so ably and successfully performed by Captain Weatherall, met the highest reward man can hope to attain in this world.

The Honourable Company's ship *Kent*, when destroyed by fire, presents a remarkable instance of fortitude and resignation on that melancholy occasion, when the ladies, on board, the genuine source of our country's pride and glory, shewed what courage and devotion can be evinced under the genial influence of those amiable virtues which adorn the female character.

How resolutely Colonel Fearon, who commanded the troops, and Captain Cobb of the *Kent*, did their duty, was proved by the preservation of order and control throughout their perilous situation, and the miraculous interposition of timely succour by the happy aid rendered by the *Cambria*, Captain Cook, and the *Caroline*, Captain Bibby. Their meritorious exertions are beyond all praise, and by the union of skill, firmness, and presence of mind, 569 souls were rescued from a cruel death and a watery grave!*

Captain D. Warren of the ship *Boyne*, by admirable skill saved the crew of a French lugger, 17 persons, who were in imminent danger.—Louis XVIII, conferred an Honorary Cross and Medal on Captain Warren,—but, notwithstanding this proof to Captain Warren of what seamen can do, he was doomed to witness their character, when in command of the Exmouth, tarnished by revolt and mutiny.

Captain Barclay of the ship *Lord Hungerford*, in 1817, cut down a ringleader in the most daring act of mutiny, and thus saved all under his command from a desperate and sanguinary conflict, where the number arrayed being ten to one,

* CURIOUS COINCIDENCE.—When the *New Indiaman* was on fire in the Bay of Biscay, the second in command, the present Lieutenant-Colonel MacGregor, when all hope of relief had expired, wrote a letter describing their situation, which he enclosed in a bottle, and committed to the deep. Soon after his providential escape, and return to England, he was appointed to the command of the 93d Highlanders, then stationed at Barbadoes, to which place he proceeded immediately. Before his arrival, or soon after it, the identical bottle was picked up by one of the men of the 93d on the coast of the island, and its contents brought to the very man who had written them.—1834.

can only be subdued on such occasions by the energetic display of well timed severity.*

Captain Tucker of the ship *Sarah*, nobly seconded by his passengers and officers, quelled a fierce and bloody minded mutiny, one killed and three wounded, asserted the supreme command, and told in fearful characters the fatal consequences of so dread a crime.†

The journal to which I have alluded, is the Naval and Military Gazette for April 4th and 18th 1835.

" We are glad to find that the subject of the appointment duties, &c., of the Channel Pilots is likely to be brought before Parliament this Session, and we sincerely hope that some useful amendments will be made in the present system of Pilotage. As connected with this question, we some time since called the attention of the elder brethren of the Trinity House to one of the clauses of their Charter, in which it is *especially and expressly directed*, that all Masters and mates of our merchant vessels should undergo examinations before the elder brethren, touching their qualifications as seamen and pilots, previous to their being received in these capacities on board any merchant ship belonging to the United Kingdom. How, or when so important a regulation fell into desuetude, we are at a loss to know, and we now earnestly call on those Members of the Legislature, who have so properly undertaken to bring the subject of Pilotage before the public, to cause to be revived forthwith this old and excellent law. We appeal with confidence to the Officers of our Navy, who have had charge of convoys during war, to confirm the necessity of the Masters of merchant vessels undergoing examinations previous to their being entrusted with the lives and properties of others. We have ourselves seen abundant proofs of the total unworthiness of numerous Masters of our merchantmen for these situations, and, as one or two examples of this sort are fresh in our recollection, we will briefly relate them. We remember, when returning to England, with a convoy of fifty or sixty vessels from Oporto, in the year 1814, when the American cruisers were numerous in the Bay of Biscay and in the entrance of the Channel, and when the Commodore in consequence deemed it his duty to take every care that the convoy kept together, and as we met with adverse winds, and had a long passage, he made

* Captain Barclay, a powerful man, severed the mutineer's arm at one blow, and the rest of the crew fled forward in dismay and subjection.

† I could cite fifty instances of skill, courage, and manly fortitude; the above are only adduced at prominent cases, a set off against errors and misrule."

the Masters bring to him their log books and ships' reckonings occasionally, when the weather was fine, and never were there seen such productions ; some of the vessels being by their calculations more than *ten degrees* out of their longitude, and above two degrees out of their *latitude* also; for we had thick weather sometimes for many days together ; and we recollect further, that the Masters of four or five of the convoy being ill could not come to the Commodore's ship, upon which he sent an officer to examine the reckoning of their vessels, and to point out to them their position on their charts. But this was next to impossible, as their charts were torn and covered with grease and filth; nor had they any instruments wherewith to measure the distances upon them ! and when asked by the Officer how they could possibly navigate their vessels in this manner, they replied very indifferently, “*Oh, we never sail without convoy, and then we follow the Commodore !*” In confirmation of the ignorance of some of these Masters, the first land we made was the south coast of Ireland, near Cape Clear, and for ten days and upwards previous to our making it, the weather had prevented our following up the practice of correcting the reckonings of the convoy, and consequently there were many of them as much at a loss as ever to know where they were. As we stood on upon the starboard tack, with the wind about south east, bringing the land abeam, we observed one of the convoy, a ship, bear round up, and steer away about N. N. W. ! This was instantly reported to the Captain, who was the Commodore, who ordered signals of recal to be immediately made ; but, before they could be hoisted, six or seven other vessels had done the same, and had begun to let out their reefs and set their studding sails ! On examining the convoy list, we discovered that all these vessels were bound to Liverpool or Bristol ; upon which, as the signals of recal were not obeyed or even answered, the Captain ordered the signal to be made for the convy to bring to, and to disregard the motions of the Commodore, when we turned the hands up to make sail, and absolutely chased these vessels for several miles before we could overtake them, nor would any of them, bring to, until we were within shot, and had fired over them several times ; and then on coming alongside and hailing to know what they meant by such conduct, they each coolly replied, ‘*Going, Sir,—going round the land to be sure—that’s the LAND’s END ; isn’t it ?*’ This example (and the facts which we have detailed, we pledge ourselves to the

strict correctness of in every point) must tend to show the absolute necessity of establishing some regulations for making all Masters and Mates also, of our merchant vessels, undergo an examination before they be suffered to take charge of ships, in a manner similar to that which is practised in France; for, when it is borne in mind, as we have observed, that not only the properties, but the lives also, of his Majesty's subjects are thus placed at the mercy of so many ignorant persons, we cannot sufficiently impress on the legislature the propriety of taking measures for the correction of these serious evils—evils, by which hundreds, and even thousands of human beings have been sacrificed, particularly in ships carrying emigrants. And we remember, further, one instance, where three hundred brave fellows were, from the ignorance and incapacity of the Master of a transport, lost on our own shores, when returning home from the army in the Peninsula. This melancholy event arose solely from the want of skill in the Master; first, in anchoring his ship in an improper situation, there being no pilot on board; and, secondly, in not taking the proper precautions, such as every seamen would have taken, on seeing a gale of wind coming on, by striking the masts, &c., whereby this ill-fated vessel drove from her anchors in the night, and *three hundred souls met a watery grave!*

"It has been with great truth observed by one of the most able of our cotemporaries, that 'in a maritime country every thing that is calculated to preserve her shipping, or to insure the lives and safety of her seamen, is a subject of the very first importance.' To effect this great object by giving better protection to the lives of our brave sailors, as well as of all those who may be embarked with them in our merchant ships, there can be no measure more absolutely required than that which we again called attention to in one of our recent numbers, namely, that of causing the masters, and mates also, of all our merchant vessels to undergo proper examinations before they be suffered to fill those responsible situations.

"When we consider the immense trust reposed in these men,—the hundreds of lives which are constantly confided to their protection on boards of ships conveying troops, emigrants, &c., and also the vast amount of property placed under their care and management daily, even in our coasting traders, we are perfectly at a loss to comprehend how it can have occurred that the excellent regulation, which is embodied in the Charter of the Trinity House, could ever

have been suffered to become, as it is, *wholly obsolete*. In the charter of this corporation it is expressly and positively declared, in the third clause, that it should be one of the *principal* duties of the Elder Brethren, ‘to punish, by fine or imprisonment, any such as shall persevere to act as *Master of a merchant ship*, or of a man of war, or as a pilot, or a leadsmen, or guide, without having *previously undergone examination, and obtained a certificate from the Trinity House, approved by the Lord High Admiral.*’

“And again, it is further declared, in the fourth clause, and which we consider, in the latter part of it, should be deemed to bear reference especially to those who fill the situation of *Mates* and *other Officers* in our merchant ships, that the Elder Brethren shall “treat of commerce and agree amongst themselves on the conservation, good estate, maintenance, and increase of the navigation of the realm, and of all mariners within the same, *as also of the cunning, knowledge, or science of seamen.*”

“The words of these clauses we consider to be *imperative*, and as we believe, it is held in law, that if any of the principal parts of a deed of this kind be violated, the deed itself is rendered *voidable*, if not *absolutely void*, we would earnestly call the attention of the Elder Brethren to this fact, and strenuously advise them, both for the public good as well as for the interest of their Corporation, to re-adopt the salutary rule of examining the chief officers of our mercantile navy, agreeably to the words of their Charter. And to the Underwriters at Lloyd’s, also, we would appeal, to exert themselves towards the accomplishment of this measure, as we confidently know that hundreds of thousands of pounds are sacrificed through the ignorance of Masters of merchant ships, on which the cargoes that they are carrying are insured in this society. Were we to enumerate all the cases that have come under our immediate knowledge alone, in which the Masters of vessels have been wholly incompetent for these situations, it would occupy a tenfold space to that which we could afford to bestow upon this question, all important as it is. We have known, for example, a *miller* who had never his foot on board a vessel, become the purchaser of one, and at once assume the command of her, taking with him a mate who knew something of seamanship and navigation; and, on her very first voyage from abroad, with a valuable cargo, she was, as might have been expected, totally lost, and the insurance of *many thousand pounds* recovered, as a matter of course,

from the Underwriters. Again, within the last few weeks we have heard of the case of a vessel, with a cargo of value, putting into one of the western ports on her passage to Shields from the Mediterranean, when, the Master and Mate being ill, others were engaged to fill their situations, who professed to be fully competent for these berths, when the result proved that they neither of them knew anything of navigation, having got the vessel on shore upon the coast of France, and that, had they not fallen in with a cutter afterwards, bound to Shields, when off Beabey Head, with which vessel they wisely kept close company, they never would, as all the crew declared, have reached their destination! We could enumerate a hundred similar instances of a total want of qualification in the persons who had assumed these appointments, but we hope we have said enough to cause those whose interest, as well as those whose *duty*, it is to look into these matters closely, to take steps without delay for the effectual correction of the evils which every day's experience too truly confirms to us to be of constant occurrence."

"Now, strike your sails, yee jolly mariners,
For wee be come to a quiet rode,
Where we must land some of our passengers,
And light this weary vessel of her lode,
Here she awhile may make her safe abode,
Till she repaired have her tackles spent,
And wants supplide; and then again abroad
On the long voyage whereto she is bent:
Well may she speede, and fairly finish her intent!"—*Spencer.*

Time compels a cessation of the duty I have endeavoured to perform for the general welfare and prosperity of the Merchant Service.

If in the execution of this arduous undertaking I have apparently presumed too much and indulged in too great a latitude, my conduct and opinions must be attributed to excess of zeal and an ardent attachment to that profession in which I first embarked on the 23d of November 1802! Through good and evil report the Merchant Service of England has great and well merited claims for protection and support, and thank God our noble King and our exalted Country, can still rely upon the faithful services and devoted allegiance of a countless band of MERCHANT SEAMEN always ready to do their duty and rally around the THRONE, the ALTAR, and our glorious Constitution.

The memorable words of a great and gallant Seaman shall be inscribed upon our standard, "England is a land

which can never be conquered, whilst the Kings thereof keep dominion of the sea.*—And our motto, derived from HIM who rules the raging of the sea, and can bid the storm to cease, shall be—"Fear God, and honour the KING."

Madras, 7th September, 1835.

I think it right to insert the annexed letter, lest I may be charged with some inconsistency, it was written under excited feelings roused by such sweeping charges as were alleged against the Merchant Service generally, without a statement of some redeeming qualities. But the experience I have since gained, induces me thus candidly to confess that masters and officers throughout the merchant service should submit to pass through an ordeal which shall confirm their undoubted qualification to fulfil all the duties of their high and responsible situation, this opinion is confirmed by my suggestions for a maritimes code of laws at page 33.

Ship Victory, Bombay Harbour, 2d March, 1833.

MR. EDITOR.—Among the very few Bombay papers we have had the pleasure of receiving, is the Courier of the 16th of June last, in which, I observe, with surprise your notice of, and comments upon a letter from Lieutenant Lister Maw, published in the *Times* of Jan 14th 1832, "on the subject of the dangers unnecessarily risked by Merchant vessels," through "the ignorance of the Captains and the insufficiency of their means of nautical calculation."

I have not seen the letter in question; but whether the observations which follow your introduction of that document are the opinions you entertain upon the subject, or from whatever source they spring, I consider the sweeping censure they convey on the character, and conduct, of the Merchant's Service in general, ungenerous, and unjust.

Every unbiased person must allow, that indiscriminate abuse of a whole class of men for the alleged misconduct of some few of the same profession, is unfounded and calumnious; tending to sully their reputation, and to excite an undue prejudice in the minds of the public at large. The passage above referred to, and following paragraph evidently bear such a construction. Mr. Lister Maw, according to your statement, "avers that the persons employed in the navigation of merchantmen, are unfit for the service, and the crews generally insufficient."

I am ignorant what respect is due to the authority of Lieutenant Lister Maw, but if he, or any other person assails the high character of the Merchant Service of England in such terms as are quoted above, I am fully prepared to repel so wanton an attack, and to furnish proofs, from stubborn facts, that the professional skill, scientific knowledge, and practical seamanship of the Merchant seamen of our Country, are equalled by few, and excelled by none. This assertion can be amply sustained by reference to the records of naval events within your own reach. The celerity of the voyages generally made by the Honorable Company's Ships and Free traders to and from India, is itself a sufficient refutation of Lieutenant Maw's assertion; and many of the commanders of West Indiamen and other colonial vessels uphold the same high professional character.

But where, Mr. Editor, can be found a more zealous class of Seamen than the Commanders and officers of the country service. That this body of men have maintained a system of order and effective discipline, and have navigated their ships with exemplary skill, highly creditable to their own reputation and honorable to

* Capt. Biden must be mistaken here. Lieutenant Lister Maw meant, as far as we can recollect, that *many* of them were unfit for their emportments, and the crews, generally insufficient. He could not have been so ill-judged as to intend the sweeping censure Capt. Biden supposes.—Ed.

that of their employers, is unquestionable! Need I name Captain James Horsburgh, to whose zeal and ability the whole commerce of Great Britain is deeply indebted? I must here observe there is an evil fraught with more alarming consequences than any suggested by the remarks of Lieutenant Maw, or probably beyond what you have contemplated,—I mean the danger arising from visionary schemes and flashy theories! Doctrines subversive of all discipline and naval government, are broached by speculative men who set themselves up as able critics, and launch forth their systems of Naval tactics without even the shadow of experience, or practical knowledge as their guide. These baneful systems threaten to overthrow the supremacy of our gallant Navy, and to ruin the prosperity of our commerce.

We have done well, we would do better; but let us leave well alone. Without the eye and judgment of practical seamen, all theory and closed schemes will be of no avail.

In these piping times of peace, the Mercantile Marine of Great Britain is the only nursery for seamen; and this source of our greatness deserves the utmost care and vigilance of the legislature. It is true, that much neglect and many defects are too apparent in the management of the merchant service, but the fault lies with the government at home; and the wonder is, how commanders and officers have preserved any system of discipline, or how they have so ably conducted their ships without the protecting hand of their country's laws, or act without any defined code of maritime law. This is the evil, and it ought to be speedily remedied.

Having repelled the charge brought against the merchant service of incapacity, it remains to be considered on what grounds that service is charged with no gross a dereliction of duty, contained in the following observation, as stated in the Courier. "But lately a ship came within hail of a foundering vessel, and struggling crew, and as soon as it got an idea of distress changed its course, and veered about as a man would from the cholera," and on this you venture an opinion that the risk of forfeiting the insurance, and the danger of approaching a ship so situated, decided the inhumanity of the action." In the first place, no British seaman would desert, or avoid a fellow creature suffering under the dire effects of the cholera. In the second, I am bold to declare, that no British seaman would tarnish his character by veering away from danger or distress of any kind; the greater the peril, the stronger would be the incentive to rescue his fellow creature from fire or ship-wreck.—The intrepidity of the seaman is blased neither by considerations of prudence, nor by narrow minded mercenary motives his first impulse is to relieve, and that impulse disdains every selfish consideration. Whoever commanded the vessel you allude to, forfeited the name and character of a seaman; and his glaring neglect, for the defence of others, should be proclaimed, together with his name and that of his ship.

And now, Mr. Editor, I will make good my promise by relating instances of merit as noble as they were generous, of conduct as manly, as it was charitable and humane; and though I have an ample store of examples, I will content myself with furnishing a few, still fresh in the memory of us all.

In 1816, Captain Weatherall of the ship Prince Blucher, saved from impending danger near 400 men, women, and children of H. M. 78th Regt. wrecked, and left desitute on a barren rock in the bay of Bengal. The situation of the Prince Blucher was so perilous, that she barely cleared the rocks, and lost her foremast and boats.

In 1822, Captain D. Warren, of the Ship Boyne, rescued 17 Frenchmen, the whole crew of a French lugger water-log'd, blowing at the time a heavy gale of wind.

In 1825, the Passengers and most of the soldiers and crew of H. C. S. Kent, to the number of 560 souls were saved, by the noble and generous aid of Captain's Cook and Bibby of the Cambria and Caroline, under the steady discipline, firmness and presence of mind evinced by Captain Cobb, and admirably sustained by the officers and passengers on board that ill fated ship.

These noble examples of humanity and disinterested zeal, were performed under circumstances of greater peril than the case you have described; and must be considered as a fair specimen of the merchant seaman's character.

I have witnessed numerous cases of distress at sea promptly and generously relieved.—Good and bad, are to be found in all ranks and professions; but courage and humanity, are the predominant features of the British seaman's character, and should hide from the view of others many of his failings.

I must also notice your concluding remarks as to the remedy for all the ignorance and incapacity my Brother seamen are charged with, and the reference you make to

* These remarks were not ours,—they were taken from another paper. We shall not therefore, of course attempt to defend them.

French customs. All I have to say is, that while England continues a free country, neither her merchants nor her shipowners will ever submit to such arbitrary sawy as that you propose; itinerant censors of nautical talent, and unprofessional commentators upon professional capacity may practice upon other, more credulous and less instructed people; but Merchants, Ship owners, and Captains, can judge best for themselves.

Probably, Lieut. Maw is old enough to remember when Chronometers were in general use on board merchantmen, but were rarely supplied to his Majesty's Ships. I served on board H. M. S. Indefatigable in 1807, and we had not one Chronometer on board. Besides, the general knowledge and able practice of lunar observations in the Merchant service may supply the want of Chronometers, although, as far as my experience goes, there are few merchantmen without these valuable instruments.

The importance of the subject, and my anxious desire to vindicate the cause I have feebly, but zealously advocated, will I hope be received as a sufficiently apology for this long letter, and I fully rely on your candour and impartiality for its insertion, confident that you will eagerly redeem the inadvertency which diffused, through the medium of your influential journal, an attack upon the conduct, and character of the Merchant service of England.

I am, &c.

C. BIDEN,
Commander of Ship Victory.

P. S. On looking through the Courier, to which I have referred, is a detail of the skill, and seamanship displayed by that good and worthy officer Captain Hine of the H. C. Ship Marquis of Huntly, off the Cape in Feb. 1832, and a just tribute to the cool, steady, and excellent conduct evinced by his officers and ship's Company under most trying difficulties and imminent danger.

C. B.

THE VICTORY.*

Our gallant ship the Victory drew her name
From Britain's records, England's deeds of fame;
Her Hero's bust, great Nelson rides the prow,
Unfading laurels, deck the Warrior's brow,
On either bow his triumphs are displayed,
In lettered gold each proudly stands arrayed;
While, nobly erect on Victory's floating car,
Is the conqueror of the Nile, and Trafalgar.—
Lamented chief! thy fame on wings shall soar,
Till the last Trump shall tell the Sea's no more,
The manly virtues which thy heart enshrined,
Were courage, with rare humanity combined:
“Thy might to strike, thy clemency to spare,”
“Thy skill to plan, thy enterprize to dare,”
Thy country's weal filled all thy patriot's heart
With ardent zeal, in which no self had part.—
Fronting the poop, in brazen type appear,
The words so widely known, so justly dear,
The last famed signal breathed from Nelson's lips,
When France and Spain beheld their fleet's eclipse;
“England expects” (blest be the noble cry,)
“That every man his duty do” or die.
Sublime the impulse that the signal gave,
Sublime the cheer that answered o'er the wave;
Leader and Led; the Seaman like his Lord;
Fought in its strength, and Victory crowned the word.
Her stern is blazoned with the conqueror's meed,
His well earned motto proved in word and deed,
And laurel wreaths with cypress leaves embalm,
Britannia's chief, who nobly won the Palm.—
High o'er the taffrail waving in the breeze,
Floats England's emblem, “Sovereign of the Seas,”
And lo! aloft, her red cross banner flies,
Herald of courage that the world defies;
That crimson sign, in many a palmy field,
Since first it marked the bold crusader's shield,
Since Richard waved it on the Syrian strand,
And Cressy's victor on the Gallie' land;
Since Poictiers, Agincourt, and many a deed

Whatever merit may attach to the first page of this poetical effusion is due to my lamented friend Mr. FLETCHER - so justly endeared to the literary world as SWSSBURY. But the exalted virtues and unaffected piety which adorned the soul of that most truly good, charitable and generous minded person have unqualified the most profound respect for her memory, and these sentiments I shall cherish with mingled regret and admiration.

Fletcher fell a victim to that dreadful scourge the Cholera at Poonah, on the 10th October, 1834.

Dear to th' Historian's pen, the poet's reed,
 From Blenheim proud, to prouder Waterloo;
 How oft that red cross hath been victory's hue:
 We bear it on our Ship well manned and sound, - }
 Though peaceful now, in battle were she found,
 Well would she fight till shattered or aground.
 Nor shall we blight Britannia's envied fame
 By blending glory with her Merchant's name,
 Whose ships by skill and bravery sustained,
 Have gallantly their onward course maintained.
 Mark well! the China Fleet by gallant Dance,
 Which repulsed, pursued an Admiral of France; *
 The Royal George with ardour led the fight,
 And British valour put Linois to flight.
 Britons thus nobly have their duty done,

~~In~~ every rank and grade, bright honors won ;
 On Britain's foes their vengeful ire they've hurled,
 In every clime, they've Victory's flag unfurl'd
 True to their King, their Country's rights upheld,
 By dauntless energy, and zeal impelled,
 The splendid triumphs of such matchless fame,
 Shall ever shield and grace Britannia's name.
 Through future wars such emulative zeal,
 Shall glow in every heart for England's weal,
 And with living lustre shall our land adorn
 T'o "shine and save through ages yet unborn."

* The French Squadron commanded by Rear Admiral Linois, consisted of

Le Marengo,.....	80 Guns	La Berceau,.....	32 Guns.
La Bellepoile,.....	44 "	Dutch Brig Atalanta,.....	18 "
La Semillante,.....	36 "		

The Honourable Company's Fleet was as follows, each ship of 1200 tons
 Earl Camden,..... Commodore Dance, Boinbay Castle, ... Capt. Hamilton,
 Alfred,..... Capt. Farquharson, Warren Hastings,.... " Larkins,
 Royal George,..... Timus, Hope,..... " Pendergrass,
 Warley, Wilson, Abergavenny,..... " Wordsworth.
 Ganges,..... Moffatt, Cumberland,..... " Furer,
 Coultis,..... Torin, Henry Addington,.... " Kirkpatrick,
 Exeter,..... Meriton, Dorsetshire,..... " Brown,
 Wexford,..... Clarke, Ocean,..... " Lochner.

Beside the Company's Ships there were eleven Country Ships a Botany Bay Ship
 and a Brig, the value of the whole was estimated at 7 or 8 millions sterling.

The French Admiral cruised, off Pulo Aor in the China Seas, purposely to intercept the homeward bound China Fleet, which under the command of Commodore Dance resolutely attacked, repulsed and pursued the French Admiral Captain Timus, commanded the Royal George on this ever memorable and glorious occasion, his name I cannot mention without the utmost respect and the deepest sense of gratitude, how ably and how gallantly he led the Royal George unto action, and placed her alongside the Marengo is a theme of praise far beyond the scope of my ability to render justice to. But I am proud on this and upon every occasion to express my grateful acknowledgments to one who is an honour and an ornament to the Merchant Service of England, long may he live in the full enjoyment of every happiness this world can afford, is my heartfelt wish and fervent prayer :

"A grateful mind
 By owing owes not, but still pays." --MILTON.

The subjoined letter affords a more mature and explicit detail of my views on the subject of supplying the Navy with seamen from Merchantmen during a season of profound peace.

MERCHANT SERVICE.

TO THE EDITOR OF THE MALE ASSYLYM HERALD.

SIR,

Permit me to offer, through the medium of your journal my grateful acknowledgments to yourself, and the several Editors of the Madras Press, who have so liberally passed my literary services under review, I would not presume to obtrude any further upon you notice and attention, but for one circumstance which demands more serious consideration than I myself, have given it, and to which you have alluded, viz., recruiting the Crew of a Man of War, by a system which tends to entice merchant seamen to enter in the Navy on foreign stations, dissolve a solemn compact with their owners, and thereby cramp the efficiency of the Merchant Service.—I fully appriicate your ideas on this subject, and will avail myself of your valuable suggestions.—Seamen are ever prone to change, and as you very judiciously observe a Ship may be crippled through trifling and groundles causes, which occasionally induce these thoughtless men to volunteer for a King's Ship,—the plea of economy and expediency offers the only argument in favor of a measure which is undoubtedly oppressive, and unjust, this objection I will endeavour to refute, by as correct a statement of facts as can well be brought to bear on the subject. The following extract from No. 81 of the Edinburgh Review, may afford some aid, the average mortality in the Navy during 3 years of the late war was one in 30 one in 29; more than half this " number died of disease and the rest fell a sacrifice to the various accidents, including battles, shipwrecks, upsetting of boats, &c., to which sailors are liable."—Now taking into consideration, the vast improvement which has been wisely, and liberally introduced throughout the Navy since 1814, by a more abundant and salutary mode of victualling, and a just, equitable, and mild system of discipline, we may now, in a season of profound peace, safely reduce the average, as quoted above, during the war to one in sixty, the vacancies, by invaliding may also be equal to that amount, I imagine the number of seamen actually employed in the Naval force on this station to be about 2,500, the annual average of casualties will therefore be about 90, and

the annual charge of detaching that number of Supernumerary Seamen from England, would certainly not exceed £2,000 and this sum may be reduced by stipulating, that these Seamen shall work their passage out, and be under the complete control for the time being of the master of the Ship; the dread of any cause of complaint to the Admiral, or Senior Officer, present at the port of their destination, would be the best surety for their good conduct throughout the passage, they need never be landed, but sent in small parties of from ten to twenty on each Ship, to the principal Naval stations.—the whole number of seamen required annually to preserve the Navy in every part of the world, with efficient crews, would be from four to five hundred, and this number of British Seamen would also be added to the resources of the Empire.—Beyond these arguments, Merchants and Ship owners will cheerfully respond to any suggestions from the Lords Commissioners of the Admiralty, and if the Supernumerary Seamen are made to work their passage to each foreign station, as all Seamen ought to do, the contract for their passage may be reduced to one third that which is the average payment for Soldiers detached on foreign service, which is about £20 per man—I verily believe every person connected with the Commerce of his country, would prefer giving seamen a free passage, rather than endure the harassing and vexations plan at present in operation, which tends materially to unsettle a sailor's principles and makes him discontented and disaffected!—In fact, within my own experience, during the early part of the late war, impressment on foreign stations produced such ruinous consequences, that about 20 to 25 supernumeraries fly each regular Ship in the service of the Hon. E. I. Company were conveyed to Bombay and other naval stations, entirely at the owners expence, however this liberal, and patriotic aid was rendered null and void by the King's Ships not being content with such a reinforcement, but pressing an additional number, impressment is however another question, imperious necessity may call that obnoxious measure into force though it is scarcely possible any such a necessity can be urged during peace.* The method I have suggested is practicable at all times, and the expence which may be incurred, will be far out balanced, by the national

* Why cannot Men of War carry out to every foreign station a certain number of supernumerary seamen, the best arrangement to this end of which would surmount every obstacle opposed to the present system would also insure its operation with safety and facility.—C. B.

advantages in every point of view, which must result from so beneficial a change and amendment.

There is, Mr. Editor, another hardship, which I cannot refrain from calling your attention to,—by some act of Parliament not generally known amongst merchants, or ship owners, a master of a merchant ship is compelled to receive, victual, and provide a passage, to England, for invalids, or discharged seamen, and upon terms dictated by the one party, without the approval of the other, several cases of this nature have occurred in this very portstead. Some invalids were lately taken on board the Barque "*New Grove*" just as she was ready for sea, her cargo complete, and of course, room only being reserved under hatches for her crew, yet, without any previous notice these men were forced on the master's care and responsibility. How another case was finally adjusted I know not, but I witnessed the extreme reluctance and annoyance betrayed by the naval officer who had to carry so oppressive an order into execution. And here Mr. Editor, I beg to be distinctly understood, that whilst I venture to vindicate the cause of the Merchant Service, and thus freely discuss the grievances which still press heavily on the state and condition of that service, I attach blame only, where blame is justly due, to the Government of our country; but not by any means to the Officers of His Majesty's Service who must carry the orders of Government into execution. If any one professional feeling of pride and zeal predominates in my estimation, over another, it is that long cherished respect and admiration which I entertain for the character and high renown of our gallant, and dauntless navy; and no hardship could ever induce me to speak or write one syllable against that pre-eminent corps. It has however, always been a source of regret to me, that an unpleasant line of duty forced upon naval officers, has marked the two services, naval and mercantile, by such broad and marked distinctions, when unity of sentiment, and the bond of loyalty, ought to cherish in firm alliance, the hearty feelings of British subjects, and the staunch interests of the British Empire.

I have the honor to be, Sir,
Your most obedient Servant,

CHRISTOPHER BIDEN,

MADRAS, September 7, 1835.

P. S. The method I beg to suggest for the passage of naval invalids, is on the same principle as that adopted for the military, *by open tender*, whereas, under the present system, neither Owners, Masters nor Invalids, have justice; doae them, one party may be forced to receive the good, bad, or indifferent, the other may be forced on board ship without the requisite means of accommodation or comfort. Men of War should convey their own invalids to England, by every opportunity.

C. B.

JUDICIAL CODE.



LETTER I.

To the Editor of the India Gazette.

SIR,

The ‘strong necessity’ which exists for the compilation of a CODE, or a careful consolidation of the English, Hindoo, and Mohammedan Laws actually in force throughout the extensive territories subordinate to this Presidency, has been frequently dwelt upon in late communications to yourself and to your contemporaries.

In a letter, which I addressed to you some time ago under the signature of “A Subscriber,” I observed that a work had appeared in this country (about three years ago), which in my humble opinion had not been sufficiently appreciated either *generally*, or *particularly*, by those chiefly concerned, —namely, the Judicial Officers of Government.

The work alluded to is “Miller on the Administration of Justice in the East Indies,” from which, on this important topic, (viz. the necessity for the compilation of a CODE,) I beg to quote the following apposite extracts :

“ When we reflect upon that superiority in the art of government which we are now admitted to possess over most of the civilized nations of Europe, and which will be confessed to be still more decided over that of the native princes of Hindoostan, it is almost impossible to believe but that the servants of the Company must be qualified to suggest various changes in its Civil and Criminal Law, which would materially advance the private happiness and public prosperity of the Natives, without offering violence either to their prejudices or religion.

That which I am chiefly solicitous to establish, is the *expediency* of collecting and simplifying those laws, whatever they may be, which are now in force, and to which the people are compelled to yield obedience. *No where do such urgent motives exist for presenting the laws in a clear and compact form as in India, and no where do fewer difficulties obstruct the attainment of so desirable an object.* The private rights and interests, which could obstruct it, are not so numerous in India as they are in England, nor do they require to be purchased at so exorbitant a rate. This motive to the undertaking is of no small magnitude. There is another still more encouraging. The dispensation of justice would then be less *aborious to the judges, and access to it more easy to the people.* Without dwelling in this place on the inadequate qualifications of the judges, there can be no doubt that, planted as they are in a strange country, hearing nothing but strange languages, and obliged to apply the laws to persons and things to which they are equally strangers, they have a right to expect, where unavoidable embarrassment is so great, that *every facility should be afforded of ascertaining what the law is which they are bound to administer.* Instead of receiving this assistance, they are obliged, whenever a difficult case occurs, either to *wander backwards and forwards through the voluminous and often contradictory regulations of the Company;* to resort to the opinions of the native lawyers, which are so frequently suspicious or ambiguous; or else to rely upon their own unassisted judgment; which every one practically acquainted with jurisprudence knows to be a very unsafe guide in such an emergency. A digest of the whole Civil and Criminal Law as now administered, which should be *at once accurate, clear, and comprehensive,* could not fail therefore to prove one of the greatest favours which the Company could confer upon its Indian Judges. The benefits which would be derived

from it by the people would be even more conspicuous. The European judge would then be able to ascertain and apply the law by the exercise of his own understanding and industry.

"It is a conviction, that *a careful consolidation of the Hindoo, Mahomedan, and English laws, would secure most of the benefits here pointed out, and remove many of the evils complained of in the present system*, which has caused it to be here pointed out as a *task deserving of a serious and urgent consideration*. I have only ventured to add my voice to that of many highly respectable Judicial, Military, and Political Servants of the Company, who have on various occasions concurred in such a recommendation. If ever the India Company can be expected to possess adequate skill and experience for such a work, *it does so now*: and if *the execution of it ever can be useful, it is at the present moment*. The love of procrastination, which is natural to all mankind, the press of routine business, and that jealousy of interference which is so visible in every department of the Company's Government, both at home and abroad, retard or repress its best and greatest undertakings. Like the owner of an old, inconvenient, crazy mansion, the India Company throws away more pains and expense in keeping it in a state of insufficient repair than would have been sufficient to raise an entirely new and commodious edifice from the foundation. *No price which could be paid for a complete and accurate digest of the law could be regarded as excessive*. It would put a stop to that *perpetual, partial, petty legislation which is going on at the present time in every one of the three Presidencies*,—would stop two-thirds of that voluminous and vexatious correspondence which is carried on between the Directors at home and their officers abroad, and would encourage and qualify the Company to extend the same thorough revision to other parts of their administration.

" The mere compilation and publication of the various systems of law which prevail in British India would neither make these systems more numerous, nor the discrepancies between them more striking than they now are. The existence of these varieties and discrepancies is, in fact, a strong reason why such varieties and discrepancies should be announced with all possible clearness to the Judges by whom the laws in various parts of the country are administered. Several excellent treatises on Indian law have been published in English, but the doctrines they contain are only of partial application. Many of the rules contained in the digest of Tercapanchana, translated by Mr. Colebrooke, are inconsistent with the law and practice of Southern India. The two treatises on Inheritance, and Partition, translated by the same gentleman, and that on Adoption, translated by his nephew, Mr. Sutherland, are also said to be extremely useful ; but the universal and received rules of law should be given to the world in a clear and simple form, under the sanction of the governing authority of the country. The measure in itself, therefore, seems to be wise, and would most likely also prove economical. It would probably cost less at the outset than is usually assumed, and the charges first incurred would be amply counterbalanced by a saving of litigation afterwards. There would be no need of native jurists as counsellors ; the number of suits would ultimately be diminished ; and each suit would become less tedious and expensive. These chances are all in favor of the measure. Even if it failed, it would be beneficial. If it were made known to the natives that the object was not to subvert their laws, but to ascertain, collect, and promulgate them, no degree of ignorance and prejudice could prevent them from feeling grateful for such a token of the solicitude of their rulers for their tranquillity and comfort. If it succeeded, as with prudence and perseverance it might justly be expected to do,

it would fix the Company more firmly than they have ever yet been in the confidence and affection of their own subjects, and tend more effectually than any of its proudest acts to spread its honour and renown among surrounding nations."

In another work (to which frequent reference is made by Mr. Miller), well deserving of attentive perusal—viz. the ‘History of the Rise and Progress of the Judicial or Adawlut system, as established for the administration of justice under the Presidency of Bengal,’ the following just and forcible observations will be found:—

“ Of the matter contained in the several volumes of the Regulations, not one-tenth part is perhaps efficient ; the rest consisting of regulations which have been rescinded, of repetition of rules, and of explanatory matter. The naked enacting law, if stript of its superfluities, would be contained in a very narrow space.

“ Justinian, in his second preface to the Digest, has observed, that it is much better that some things, however fit, should be omitted, than that men should be oppressed with a number of unnecessary enactments.

“ The Regulations for the Judicial Establishment are objected to as numerous. They extend, in their present shape, to seven volumes. In reality, however, the existing and operative rules, if separated from those which have been repeated, and stript of redundant and explanatory matter, would not exceed the bulk of one single volume.

“ The object of the present inquiry is to show that the complaints against the judicial establishment are less applicable to the system itself, as originally established by Marquis Cornwallis, than to departures from that system.

“ Originally, the regulations, as passed in 1793, consisted of about seven hundred and forty folio pages ; they now exceed seven folio volumes.

" Originally, the law was clear and defined. *At present the laws are numerous, and difficult to be understood.*

" These alterations are the very causes of the three great evils complained of: expence to the suitor; delay in obtaining justice; and increased litigation.

" But, it will be said, difficulties were experienced in carrying the system of Lord Cornwallis into effect. This is true: but to what were these difficulties ascribable? To the complication of the machinery. The proper remedy, therefore, was to have simplified the forms, and enlarged the power of the judges, by vesting them with a liberal discretion. The principle has been reversed: the forms have been multiplied, and the discretion abridged. The administration of justice is more difficult at present than on the first institution of the courts.

" These circumstances were too obvious to escape notice at the period of instituting the Adawlut system at Madras, in the year 1801. The person to whose care the formation of it was given, in his first report expressed himself as follows:—"The Bengal Regulations, exhibit the theory of the system; but to judge of its effects we must look to its practice. It is a fact of general notoriety, that the files of many of the courts of Dewannee Adawlut in Bengal are, at this moment, loaded with causes which it would require years to determine. This is alone sufficient to evince a defect in the system, and that its principles are not calculated for practice. May not this be owing to the numerous forms with which the whole is loaded?" "The set forms of justice," says an eminent writer, "are necessary to liberty; but the number of them might be so great, as to be contrary to the end of the very laws that established them."

The compilation of a CODE would in my opinion occupy more time than is assigned to the performance of the work

by your correspondent ‘A Native of Bengal*,’ and I consider that this very desirable and highly important object would be best attained by the appointment of a COMMITTEE, to consist of the Judges of the Sudder Dewanny and Nizamut Adawlut, the Members of the Sudder Board of Revenue, and of other individuals in and out of the Civil Service, whom it is unnecessary in this place to specify by name, but who are possessed of qualifications eminently fitted for the task. To this Committee, whose functions would be purely deliberative, might be attached a Register or Secretary, (the mere designation is of little importance,) whose sole and special duty it should be to undertake, in conformity with the conferences, suggestions, and deliberations of the Committee, the operative part of the work; the result of his labors to be submitted periodically to the Committee for their revision, amendment, alteration, and final adoption.

On the subject of the appointment of a Committee, the following observation occurs in an able paper on Codification, in No. XII. of the *Foreign Quarterly Review*.

“ Lord Tenterden on Shipping, Sir E. Sugden on Powers, Mr. Fearne on Contingent Remainders and Executory Devises, and many other text writers, have respectively exhausted their subjects.” If then a single individual ‘stealing some leisure hours from a multiplicity of business, can by his own unassisted exertions carry the digest of one branch of law so near to perfection, how much more would a Committee of able men mutually assisting and advising each other, and enabled to devote their time and energies to the work, be capable of producing a Code nearly free from omissions. With a sufficient time for search into the multifarious sources of law, and a circulation of the Code amongst all classes of

* “ In six or at most 12 months the Civil and Criminal Laws contained in the Regulations might be revised, compressed, consolidated, and amended.”—*India Gazette*, Nov. 28.

the community before its promulgation*, we deny that there will be a danger of any important omissions. In this we are confirmed by experience in one of the few cases where experience can be appealed to.'

The raw material (if I may be allowed the expression) which exists for the concoction of a Code, may be roughly stated as follows :—

The Regulations themselves, arranged according to Mr. Molony's Plan.

Mr. Molony's Synopsis.

Mr. Dale's Index of the Regulations.

Harington's Analysis.

Messrs. Blunt's and Shakespear's Abstracts of the Regulations; Judicial and Revenue Selections ;—Digest of Hindoo Law, translated by Mr. H. Colebrooke ;—Colebrooke's Translations of the Dáya Bhága and the Mitacsharah ;—the Dáya Crāmā Sangraha, translated by Mr. Wynch ;—Mr. Sutherland's Translations of the two Treatises on Adoption, viz. the Dattaka Mimansa and Dattaka Chandreka.

Sir F. Macnaghten's Hindu Law.

Mr. W. H. Macnaghten's Principles of Hindu and Mohammedan Law.

Sir W. Jones's Institutes of Menu and Translation of the Alsirajiya.

Colonel Galloway's Treatise on Mohammedan Law.

Hamilton's Hedaya.

Sir T. Strange's Elements of Hindu Law.

Reports of Cases decided by the Sudder Dewanny Adawlut.

Rammohun Roy's Treatise on the Law of Inheritance.

* It may be remarked that the invention of printing and paper has given to modern nations a means of attaining a completeness in their codes which the Roman jurists did not possess—viz. a power of circulating the proposed digest among the community before it is confirmed by the legislature.'

It is unnecessary *at present* to trespass further on the limits of your columns, the chief design of this communication being to bring the subject under the consideration of those who have the power to direct the undertaking of so highly important a work. The first step in my opinion towards an amended system of administration of justice is the formation of such a **Code**. ‘Every one must at once admit,’ (said the present Lord Chancellor in his luminous speech on the state of the Law in 1828,) ‘that if we view the whole establishments of the country—the Government by the King and the other estates of the realm,—the entire system of administration, whether Civil or Military,—the vast establishments of land and of naval force by which the estate is defended,—our foreign negotiations, intended to preserve peace with the world,—our domestic arrangements, necessary to make the Government respected by the people,—or our fiscal regulations, by which the expense of the whole is to be supported,—all shrink into nothing, when compared with the *pure, and prompt, and cheap administration of justice throughout the community.*—Such (the administration of justice) is the cause of the establishment of Government—such is the use of Government: it is this purpose which can alone justify restraints on natural liberty—it is this only which can excuse constant interference with the rights and the property of men.’

Above all, it is most earnestly to be hoped, that (friend as he is to IMPROVEMENT) the subject will engage the attention of the present enlightened Head of the Government, under whose auspices a brighter æra has begun to dawn over this too-long-benighted land,—and to whose recollection I would take the liberty of recalling the splendid and eloquent peroration of the speech already cited. ‘The course is clear before us; the race is glorious to run. You have the power of sending your name down through all times, illus-

trated by deeds of higher fame, and more useful import, than ever were done within these walls. You saw the greatest warrior of the age—conqueror of Italy—humbler of Germany—terror of the North—saw him account all his matchless victories poor, compared with the triumph you are now in a condition to win—saw him contemn the fickleness of Fortune, while in despite of her, he could pronounce his memorable boast, “ I shall go down to posterity with the Code in my hand.”

‘ It was the boast of *Augustus*—it formed part of the glare in which the perfidies of his earlier years were lost, that he found Rome of brick, and left it of marble. But how much nobler will be *our* Sovereign’s boast, when he shall have it to say, that he found *law dear*, and left it cheap ; found it a sealed book—left it a living letter : found it the patrimony of the rich—left it the inheritance of the poor ; found it the two-edged sword *of craft and oppression*—left it the staff of honesty and the shield of innocence.’

I am,

Sir,

Your obedient servant,

P. M.

LETTER II.

To the Editor of the India Gazette.

SIR,

Referring to one part of your editorial remarks* on my communication respecting a JUDICIAL CODE, wherein it is observed, “ A former correspondent spoke of its being prepared in a twelve-month ; and our present correspondent

* ‘ The important subject of P. M. W.’s communication is one, to which we have before adverted, and to which we should recur with less satisfaction if we did not know that it has seriously engaged, and,

speaks, as if the works to be consulted were *only* those which directly relate to this country," I deem it proper to explain, that in indicating the CIVIL REGULATIONS hitherto enacted, and the other books which were roughly enumerated, as offering in the first instance a material or ground-work, whereon to commence the highly important and essential compilation in question, it was not by any means my intention to mark out

we hope, continues to engage, the attention of the Government both in India and in England. All law and government exist for the better administration of justice, the grand and only use to which they are legitimately applicable. If this end is answered, they exist for some good purpose; if not, they are a nuisance which ought to be swept away, and something substituted in their room that will accomplish the desired object.'

' For the adequate administration of justice, the first *desideratum* is a clear, consistent, and intelligible digest of the Laws to which all in their various relations and circumstances are subject. The second *desideratum* is a system of courts presided over by well-informed, faithful, pure, and laborious judges, to administer the laws in forms reasonable in their principle, and prompt and cheap in their application. The third *desideratum* is a Local Legislative Body, competent by the powers with which it is invested, and the legal knowledge and general information it includes, to regulate the operation of the law and of the courts, to supply defects, to prune redundancies, and to render the whole consistent, harmonious, and salutary.'

' It were to be regretted, however, if this subject were lightly taken up. A former correspondent spoke of a code being prepared in a twelve-month; and our present correspondent speaks as if the works to be consulted were only those which directly relate to this country. We trust that we have amongst us honest, intelligent, and enlightened English lawyers, whose learning, research, and experience would be invaluable auxiliaries; and when we have so recently seen the English Government speak in the highest terms of eulogy of the labours of continental, and especially of French jurists, it would be unpardonable not to have recourse to the light they can afford.'—*India Gazette, Dec. 9th.*

those, as the *only* works to be consulted in the course of the undertaking.

On the contrary, Sir, I fully concur in the opinion expressed by you, that although in the preparation of a CODE "constant reference must be made to the laws and the usages of the country, yet much aid may be derived from *English* and French jurisprudence, and especially from the principles exhibited in the CODE NAPOLEON, and developed *in the recorded conferences of the council of state on its various provisions.*" My conception is, that next in importance to the appointment of a Committee and Secretary would be the formation of a complete library of reference, to include the works of those sages, whose labors, from the days of Justinian to the time of Bentham inclusive, entitle them to rank amongst the benefactors of mankind ;

'The few whom Genius gave to shine,
Through every unborn age and undiscovered clime.'—

I consider that a close and constant reference to such works would be indispensable at every stage of the contemplated CODE, and that a recurrence to and perusal of them would go far to alleviate the otherwise dry labor of detail, which must of necessity attend the *operative part* of the compilation.

I am further of opinion with you, that 'we have amongst us, honest, intelligent, and enlightened English lawyers, whose learning, research, and experience would be invaluable auxiliaries' towards the completion of the work. I consider that both dignity and effectiveness would be given to the labors of the Committee, were one of the judges of his Majesty's Supreme Court of Judicature, and the Advocate General, invited to afford their (even occasional) advice and aid, and that liberty should be given to the COMMITTEE to avail themselves by consultation of that talent which has never been wanting, and still abounds, at the bar of Calcutta. —

The object of this communication being merely to correct a misconception into which, it appears to me, you (and possibly some of your readers may) have fallen in consequence of my particular specification of works only of local application, I defer my further remarks on this most important subject to a future opportunity.

I am,

Sir,

Your obedient servant,

P. M. W.

LETTER III.

To the Editor of the India Gazette.

SIR,

That which 'has been organized by the moral ability of one,' and executed by the united application and energy of another *single individual* at the subordinate settlement of *Bombay*, need not, it is conceived, prove a work of *insuperable difficulty* in *Bengal*.

Fully concurring with the Editor of the *East Indian*, that 'questions of this nature should be brought *repeatedly* forward, that the public may understand their merits and bearings; and that it is not enough to write a long article in a newspaper one day,' and then allow the subject to glide into the oblivious pool of *Lethe*, I make no apology for again calling your attention, and that of your readers, to this most important topic.

If it be true, as averred by the Roman satirist, 'Nemo repente fuit turpissimus,' or 'that by slow degrees we go from crime to crime;' so, on the other hand, it must be confessed that the marked and progressive grades of improvement and reform are made 'haud passibus æquis'—and that we cannot expect without much previous discussion

{to which every *such* topic *should* and *ought* to be subjected) to ‘let in the full light of conviction on eyes scarcely unscaled’—eyes from which ‘the scales of darkness have hardly yet been purged away.’

Whatever diversity of opinion may exist as to the merits of one part of Mr. Elphinstone’s administration at Bombay,—I mean his conduct in regard to the Press, marked as it was with (to say the least) great inconsistency*,—there can be but one opinion of the pre-eminent general talents and qualifications of that individual, as superior for his political sagacity, as he was for his military prowess—wise in the cabinet—brave in the field—uniting the moral courage of the man with the heroic valour of the soldier—distinguished as a diplomatist—enterprizing as a traveller—elegant as a writer. Mr. Elphinstone, observed the *Edinburgh Review*†, and justly was it said, stood indisputably at the head of the Company’s Civil Service in political talent and knowledge.

Accordingly, we find that what is now only beginning to be discussed on our side of India, has, under the auspices of Mr. Elphinstone, already been executed at Bombay. The great advantages derivable from the compilation of a Code did not escape the observation of that sagacious individual, and hav-

* In 1819, Mr. Elphinstone, following the bright example of that illustrious statesman, the late Marquis of Hastings, (who declared to those over whom he ruled that a Government, the motives of whose actions were pure, derived strength from exposure to public comment, and who invited public scrutiny as salutary to supreme authority) abolished the Censorship of the Press at Bombay. At an after period of his Government, one regrets to find the same enlightened individual following a less bright example, banishing an Editor, and enacting a Licensing and Restrictive Regulation for the same Press whose fetters he had previously removed.

† Vol. 25, p. 404, Art. Western Asia.

ing conceived the project, the execution of it was (if I have been correctly informed) entrusted to, and ably effected by the present Chief (then the Judicial) Secretary to Government, Mr. C. Norris.

The Bombay Code is comprised in *one* moderate-sized folio volume, divided into five branches, the edges of the leaves of the volume differently coloured, as is usual in the small French editions of the Code Napoleon, so that the separate portions of the work are readily and immediately referred to.

The Code consists, or did consist in 1827, of 26 Regulations, of which the first 10, including the preliminary Regulation (developing the principles of the Code) relate to the important branch of Civil Judicature.—

The next four Regulations embrace the important topic of Criminal Judicature.—The following six relate to the Revenue branch, including the Revenue management of the territories subordinate to Bombay—the Civil Jurisdiction of the Collectors—the Stamps—the Revenue management of the Presidency—the Sea and Land Customs in general—the Duties and Excise on certain specified articles.

The 22nd Regulation treats of military authority, in conjunction with the Civil Power. The remaining four Regulations relate to the Miscellaneous branch, including state prisoners, and the duties of *Cazees*.

The preamble to the 1st or preliminary Regulation recites the necessity of consolidating the Regulations into a perspicuous and convenient form, and of the same being translated by competent persons into the native languages. The 1st chapter of *this* Regulation rescinds at once all Regulations issued prior to the 1st January, 1827, and the 3rd section of chapter 2, provides for the due and apposite entry of Supplementary ones, according to prescribed forms, and the subjects of which they treat respectively, as well as for the periodical publication of an *Index* to the Code. .

Each of the twenty-six Regulations is divided into chapters, each chapter bearing a distinct title, and subdivided into sections. It would be trespassing too much on the limits of your columns to enter into a *complete* analysis of the component parts of the Bombay Code. I shall therefore content myself with giving one or two specimens of its arrangement, expressing my own opinion, that the manner in which the work has been executed reflects great credit upon the industry and abilities of the gentleman to whom the task was delegated.

The fourth Regulation of the Code treats of Civil Procedure, and is divided as follows :

<i>Number of chapter.</i>	<i>Title.</i>	<i>Commencing section</i>
I.	Preliminary explanation of the effect of certain terms when used in this Regulation	I.
II.	Of the mode of instituting suits	II.
III.	Of process for summoning and arresting defendants, and for sequestering their property	V.
IV.	Of the continuation and completion of the pleadings, XII	
V.	Of withdrawing suits.....	XVIII.
VI.	Of fixing the time of trial, of defaults of trial, and of the law to be followed	XIX.
VII.	Of exhibits	XXIX.
VIII.	Of Commissions for ascertaining facts depending upon local circumstances.....	XXXI.
IX.	Of Witnesses	XXXII.
X.	Of notice to be given to coheirs interested in suits which have been instituted without their participation	XLVI.
XI.	Of Contempts	XLVIII.
XII.	Of Costs	LVII.
XIII.	Of enforcing security bonds taken in suits	LIX.
XIV.	Of the decree and its enforcement	LX.
XV.	Of the revision of original decrees	LXXI.
XVI.	Of the admission and rejection of Appeals.....	LXXII.
XVII.	Of staying and executing decrees under Appeal ..	LXXXI.
XVIII.	Of procedure and trial in Appeal	LXXXIII.
XIX.	Of the decree in Appeal	XCIV.

<i>Number of chapter.</i>	<i>Title.</i>	<i>Commencing section</i>
XX.	Of the revision of decrees passed in Appeal	XCVI.
XXI.	Of applications to the Sudder Dewanee Adawlut in incidental complaints	XCVII.
XXII.	Of Special Appeals	XCIX.
XXIII.	Of Appeals to the King in Council	C.

The XIII. Regulation defines the constitution of Courts of Criminal Justice and the functions and proceedings thereof, and is thus subdivided :

<i>Number of chapter.</i>	<i>Title.</i>	<i>Commencing section</i>
I.	Functions of Criminal Justice, and establishment of Courts for its administration	I.
II.	Of the duties of the Criminal Judge	XII.
III.	Of the functions of the Court of Circuit, and duties of the Criminal Judge as connected therewith ..	XVI.
IV.	Of the duties of the Special Court	XXIV.
V.	Of the duties of the Court of Sudder Foujdaree Adawlut	XXVII.
VI.	Rules for procuring, taking, and recording evidence, and for the conduct of trials by Criminal Courts	XXXIV.
VII.	Of the Jail, and of the custody and treatment of pri- soners	XLII.

To revert to the point from which we set out.—That which *has been* done at Bombay *may* surely be effected in Bengal, provided the same be (as it ought) an object of paramount and anxious desire on the part on those entrusted with the government of the country. If, as may be fairly expected, the new Charter shall open with permission for the free settlement of Europeans in the provinces, the necessity of such a compilation becomes still more imperative. As the Regulations stand at present, it is quite impossible, consistently with the discharge of his other immediate and active duties, for any settler in the interior to make himself acquainted with their multifarious provisions affecting his most vital and important interests, and it is notorious that in conse-

quence of their eminently defective arrangement, to say nothing of their voluminousness, it is almost as impossible for a younger Judicial Servant to master their contents. Well may the tyro Judge, suddenly transferred from the humbler duties of an assistant, without (now) the intervening experience of a Register*, exclaim (on his elevation to the judgment seat) with Sir Henry Spelman—‘*Emisit me mater juris nostri capessendi gratiā: cujus cum vestibulum salutassem reperissemque linguam peregrinam* (the Persian), *dialectum barbarum* (the Bengalee), *methodum inconcinnam* (see the Indexes, as they are called, to the Regulations, ‘*lucus indeed, a non lucendo*’) *molem non ingentem solum* (see the Regulations themselves, Sir Edward Colebrooke’s Digest up to 1806, &c. Mr. Harington’s [miscalled] *analyses*, 3 folio volumes) ‘*sed perpetuis humeris sustinendam: Excidit mihi fateor animus!*’—To adopt in part the language of your correspondent R. W., those who have been or are called upon to perform duties which experience may not have enabled them fully to comprehend, can best appreciate ‘the great anxiety, confusion, and indecision (feelings the most painful to an upright and well-disposed mind) which must harass the functionary until he sees his way clearly before him.’ Believing conscientiously that the compilation of a Code is the first step towards an improvement in the administration of justice, and that the best abilities† which the Government can com-

* That office having been abolished.

+ ‘But the most essential of all measures would be a complete revision of the whole of the laws and regulations, and the formation of an almost new Code. *To the accomplishment of such a task the very highest talents in the service should be directed;* and it would not so much require superiority of *legal skill* in those employed upon it, as that they should be endowed with minds unfeathered by prejudice for or against any particular system, and be disposed to take the fullest

mand for the deliberative, not less than for the executive part of the undertaking, cannot be more beneficially or usefully employed, than in contributing towards this most important object. I conclude this letter, returning you my best thanks for the space you have already afforded to my communications, and for the interest you have taken in the matter.

In my next I propose to give a rapid outline of the *system of Legislation* which has been pursued in Bengal from 1786 up to the present time.

I am,

Sir,

Your obedient servant,

P. M. W.

LETTER IV.

To the Editor of the India Gazette.

SIR,

Referring to the observations of the *Reformer** of this day, in regard to the component Members of a COMMITTEE for the purpose of carrying the important object of a *Code* into effect, I take the liberty of stating that I consider his suggestion, recommending the appointment (as coadjutors) of intelligent and respectable Natives, to be most judicious and proper.

advantage of the facts and experience, which late years have accumulated. *No expence would be too great to incur for the completion of such an object*, and it is not likely this general code could be very large, for unless we continue to impose, at all hazards, the same Rules and Regulations upon the whole of India, each division of our empire should have a subsidiary code of its own, framed with attention to the particular character and usage of its inhabitants.'—*Malcolm's Political History of India*, vol. ii. p. 151.

* An ably conducted weekly paper under native superintendence.

' Such a commission' (as is now contemplated) ' would,' observes Sir John Malcolm*, ' *of course* be aided by the information and opinions of the ablest Natives from the different parts of our dominions.' I am further of opinion, that one Judge of each of the Provincial Courts of Appeal, and several of the Commissioners of Revenue and Circuit, as well as of the Judges and Magistrates of the Zillah and City Courts, throughout the territories subordinate to this Presidency, should likewise be appointed Members of the Committee; that the Secretary *to* the Commission, (or the individual whatever his designation) to whom the operative part of the work may be delegated, should be instructed to invite their communications on all points, Judicial and Revenue, connected with the design, and to keep them duly and regularly informed of the progress of the work. With the aid of a no less elegant than useful modern invention†, and of a few Bengalee writers, this would not be a matter of much difficulty or expense.

Briefly I would invite the industrious, the experienced, and the talented throughout the country, ' without reference to their colour or religion,' to lend the aid of their communications in furtherance of this design, and of the *accomplishment* of the task‡.

I am, Sir, your obdt. servant,

P. M. W.

* Pol. Hist. of India : Article Judicature, vol. ii. p. 151, note.

† Wedgwood's Improved Manifold Writer, producing a copy (if required) in triplicate.

‡ ' We can at present only refer to the second letter of P. M. W. on a Judicial Code. The information which it communicates respecting the great step that has been taken by the Bombay Government on this subject, is probably new to most of our readers, and shows how far the Bengal Government has been left behind by that Presidency in one of the first duties of a Government,—the simplification of the laws by which the rights and obligations of the community are protected and enforced.'—*India Gazette*, Dec. 19th.

LETTER V.

To the Editor of the India Gazette.

SIR,

Deferring to a future opportunity the performance of my promise to take a review of the ‘*System of Legislation*’ which has been pursued in Bengal from the year 1789 to the present time, I invite those of your readers who may feel an interest in the all-important and comprehensive subject of Codification, to traverse with me the ‘far Atlantic’ for the purpose of seeing what has been accomplished in the state of LOUISIANA, by the unassisted efforts of a single individual, whose name (without meaning to hazard a pun on the occasion) deserves to be recorded on marble;—LIVINGSTON.

The work of which I propose to give an account, is entitled a ‘Project of a new Penal Code for the state of Louisiana,’ and opens with a short preliminary ACT relative to the criminal laws of the State. The preamble recites, ‘It is of primary importance in every well regulated State, that the Code of criminal law should be founded *on one principle*, viz. the *prevention of crime*—that all offences should be clearly and explicitly defined, in language generally understood—that punishments should be proportioned to offences—that the rules of evidence should be ascertained as applicable to each offence—that the mode of procedure should be simple, and the duty of magistrates, executive officers, and individuals assisting them, should be pointed out by law; whereas the *system of criminal law by which this State is now governed*, is defective in many or all of the points above enumerated: therefore,

Sec. 1. Be it enacted, that a person learned in the law shall be appointed to prepare and present to the next General Assembly for its consideration a Code of criminal law—designating all criminal offences punishable by law;

defining the same in clear and explicit terms ; designating the punishment to be inflicted on each ; laying down the rules of evidence on trials ; directing the whole mode of procedure, and pointing out the duties of the judicial and executive officers in the performance of their functions under it.

Then follows a certificate by the Secretary of the Senate, and clerk of the House of Representatives, that Edward Livingston, Esq. was elected and appointed by the joint *ballot* of the General Assembly of the State of Louisiana to draw and prepare a Criminal Code.

The resolutions by the Senate and House of Representatives are next appended, approving of the plan proposed by him in his report, earnestly soliciting him to prosecute his work (according to that report), providing for the printing of a certain number of copies of the same, and for a pecuniary compensation to Mr. Livingston.

The ADVERTISEMENT states that but a few copies of the work sent by the distinguished author to his private friends reached England ; that it was published in America by the authority and at the expense of the General Assembly of the State of Louisiana, under the title of a ' Report' made to the General Assembly on the plan of a Penal Code for the said State ; that it contains the statement *and development of principles of the highest importance*, which cannot but be read in England with interest.

The REPORT itself commences with an allusion to the communications maintained with different individuals and States, for the purpose of acquiring all possible useful information on the subject, and proceeds to state that the '*Introductory notice herewith submitted*', gives the different divisions of the Code into books, chapters, and sections ; the whole subdivided into articles, numbered progressively through each book, so that citations may be made by refer-

ring to the *article* and *book* only—that *technical terms* are never used in the work where common expressions could be found to give the same idea—that ambiguous words and phrases are accompanied by *explanations*—and that whenever any *such* expressions occur in the course of the work, they are printed in a particular character, serving as a notice, that they are defined and explained—that these definitions and explanations form the FIRST BOOK.

The SECOND BOOK (observes Mr. Livingston) begins with a preamble stating the *reasons* that called for the enactment of a CODE, and sanctioning, by a solemn legislative declaration, the principles on which its several provisions are founded—that these principles once studied and adopted would serve as a standard of propriety for every other part of the Code, by the formation of which the incongruities which had pervaded the system would disappear; and he adds, ‘Our Penal Legislation will no longer be a piece of fretwork exhibiting the passions of its several authors, their fears, their *caprices*, or the *carelessness and inattention* with which Legislators in all ages and in every country have at times endangered the lives, the liberties, and fortunes of the people by *inconsistent provisions*, cruel or disproportioned punishments, and a *legislation weak and wavering because guided by no principle, or by one that was continually changing, and therefore could seldom be right*.

The remainder of the SECOND BOOK, he continues, is devoted to the establishment of general dispositions applicable to the exercise of legislative power in penal jurisprudence—to prosecutions and trials—to a designation of the persons who are amenable to the provisions of this Code—to a statement of the circumstances under which acts that would otherwise be offences, may be justified or excused—to the repetition of offences—to the situation of different persons participating in the same offence, as principals, accomplices, or accessories.

The THIRD BOOK, the most important in the work, enumerates classes, and defines all offences—offences (including both crimes and misdemeanors) are classed, in relation to the object affected by them, into public and private—(p. 25.)

I. Under the head of Public offences are ranked those which affect the sovereignty of the State in its legislative, executive, or judiciary power.

The public tranquillity, the revenue of the state, the right of suffrage, the public records, the current coin, the commerce, manufactures, and trade of the country, *the freedom of the press*, the public health, the public property, the public roads, rivers, bridges, navigable waters, and other property held by the sovereign power for the common use of the people—those which prevent or restrain the free exercise of religion, or which corrupt the morals of the people.

II. Private offences are those which affect individuals, and injure them—

In their reputation—their persons—their political privileges—their civil rights—their profession or trade—their property, or the means of acquiring or preserving it—(p. 30.)

'The penal laws of most countries,' observes Mr. Livingston, 'have an ample department allotted to *offences against Religion*, because most countries have an established religion which must be supported in its superiority by the penalties of temporal laws. *Here*, where no pre-eminence is acknowledged, but such as is acquired by persuasion and conviction of the truth; where all modes of faith, *all forms of worship* are equal in the eye of the law, and it is left to that of Omnipotence to discover which is the most pleasing in its sight—*here* the task of legislation on this head is simple and easily performed. It consists in a few provisions for scrupulously preserving this equality, and for punishing every species of disturbance to the exercise of all religious rites, while they do not interfere with public tranquillity; these are accordingly all that will be found in the Code.'

'I wish to have it distinctly understood,' he continues, 'that the preceding division and classification of offences is introduced to give a method to the work which will aid the memory; render reference more easy; enable the student to comprehend the whole plan; and future legislators to apply amendments and ameliorations with greater effect. But that they are not intended in any manner to have a constructive operation. Each offence is to be construed by the definition which is given of it, not by the division or class in which it is placed. The mixed nature of many offences, and the impossibility of making any precise line of demarcation, even between the two great divisions, render this remark necessary.'

Mr. Livingston next passes in review the different modes of punishment applicable to criminal offences, reducing them to these:—banishment—deportation—simple imprisonment—imprisonment in chains—confiscation of property—exposure to public derision—labour on public works—mutilation, and other indelible marks of disgrace—stripes, or the infliction of other bodily pain—death. And having recited at considerable length the reasons which induced him to reject all the different punishments above enumerated, he proceeds to a short discussion of those which have been adopted: these are,

Pecuniary fines—degradation from office—simple imprisonment—temporary suspension of civil rights—permanent deprivation of civil rights—imprisonment with hard labour. Solitary confinement, during certain intervals of the time of imprisonment, to be determined in the sentence.

He next proceeds to the plan of the FOURTH BOOK, intended to give rules of practice in all criminal proceedings.

It regulates, says he, the mode in which complaints and accusations are to be made—taking the evidence on the complaint and ordering the arrest—the mode of conducting the examination—the manner of confinement—the discretion of the magistrate in admitting to bail—the mode of making the

arraignment—the manner of pleading—the rules for conducting the trial—the duties of the Judge, of the advocate for the accused, and of the public prosecution in relation to it, are marked out. A chapter is dedicated to the regulation of the manner in which search warrants are to be granted and executed.

The last chapter of this book contains a system of proceeding on writs of habeas corpus.

It would be an injustice to the enlightened author of the work in question to omit his recital of the qualifications requisite to constitute a good and upright JUDGE. ‘In the *theory* of our law,’ he observes, ‘Judges are the counsel for the accused: in *practice*, they are his most virulent prosecutors. The true principles of criminal jurisprudence require that they should be neither. A good Judge should have no wish that the guilty should escape, or that the innocent should suffer: no false pity or undue severity should bias the unshaken rectitude of his judgment. Calm in deliberation—firm in resolve—patient in investigating the truth—tenacious of it when discovered—he should join urbanity of manners to dignity of demeanor, and an integrity above suspicion to learning and talent—the protector, not the advocate of the accused—his judge, not his accuser; and while executing these functions, he is the organ by which the sacred will of the law is pronounced.’

The FIFTH BOOK, it is observed in p. 87, is devoted to ‘the rules of evidence as applicable to criminal law.’ ‘In the execution of this part of the work, *general principles* will be first laid down, applicable to *all cases* of criminal inquiry from its incipient to its final stage: they will be such only as have received the sanction of the learned and the wise, or such as can be supported by the clearest demonstration of their utility and truth. The evidence necessary to justify commitments, indictments, and convictions, for each offence spe-

cified in the third book ; as well as that which may be admitted in the defence, will be detailed under separate heads : and such an arrangement will be studied as to make this part of the work easily comprehended and remembered without difficulty.

The sixth and last division of the work contains Rules for the establishment and government of the public prisons, comprehending those intended for detention previous to trial—for simple confinement, and for correctional imprisonment at hard labour, or in solitude.

Such, observes Mr. Livingston, in p. 91, is the plan of the work, and from those parts of the Code, which were then in the state of greatest forwardness, were selected the SECOND Book, and the last chapter of the fourth as specimens of the *execution*.

The Appendix to the book contains DETACHED PARTS OF THE PROJECTED CODE, and consists first of the *introductory notice* alluded to, from which the following resumé or summary of the work is extracted, affording a neat and concise synopsis of the whole.

INTRODUCTORY NOTICE.

Art. I.—This Code is divided into six books, each book into chapters and sections—the whole composed of *articles* numbered throughout the book.

The FIRST Book contains definitions explaining the sense in which certain words and phrases are used in the course of the work, and directs the mode in which this Code shall be promulgated and taught.

The SECOND Book contains a preamble, and general dispositions, applicable—

1. To the exercise of legislative power in penal jurisprudence.
2. To prosecutions and trials.
3. To the persons amenable to the provisions of the Code, and to justifiable and excusable offences.
4. To the repetition of offences.
5. To participators in the offence, as principals, accomplices, and accessories.

The THIRD Book defines offences, and designates their punishment.

The FOURTH Book establishes a system of procedure in all criminal cases.

The FIFTH Book contains *Rules of Evidence as applicable to trials* for each of the offences made punishable by this Code.

The SIXTH Book relates to the establishment of a Penitentiary, and contains rules for its government.

Next follows Book SECOND—PRELIMINARY CHAPTER—PREAMBLE, from which the following are extracts :

No act of legislation can be, or ought to be immutable—but laws ought never to be changed without great deliberation and a due consideration, *as well of the reasons on which they were founded*, as of the circumstances under which they were enacted.

For these reasons, the General Assembly of the State of LOUISIANA declare, that their objects in establishing the following Code are—

‘To remove doubts relative to the Penal Code, to embody into one law, and to arrange into system the various prohi-

bitions proper to be retained in the Penal Code; finally, to collect *into one Code, and to express in plain language, all the Rules which it may be necessary to establish for the protection of person, property, condition, reputation, and government.'*

Chapter II. Book THE SECOND is divided into sections, the first containing general provisions—the second general provisions relative to prosecutions and trials—the third treats of persons amenable to the provisions of this Code, and of the circumstances under which all acts that would otherwise be offences may be justified or excused. Section the fourth treats of a repetition of offences—the fifth of principals, accomplices, and accessories. From the fourth book, chapter the tenth, ‘Of the writ of Habeas Corpus,’ is given. Section the first of this chapter contains the definition and form of this writ. Section the second, ‘Who has authority to issue writs of Habeas Corpus, and in what case, and how they are to be applied for.’ Section the third, how the writ of Habeas Corpus is served and returned. Section the fourth, the mode of enforcing a return. Section 5th, of the proceedings on the return. Section 6th, general provisions; and section the 7th, with which the work concludes, recites the penalties for the breaches of the duties enjoined by this chapter.

Such, Sir, is the analysis of the Penal Code of Louisiana. I am not in possession of the Code itself, nor do I believe it is procurable in Calcutta. It would be easy, however, to obtain it from America; and I certainly consider it an excellent model for the Penal Code which remains to be compiled for British India. In my last communication, I shewed what had been completed at Bombay by the mental energies and capabilities of two highly talented persons—namely,

the Honorable Mr. Elphinstone, the late Governor, and Mr. C. Norris, the Chief Secretary, at that Presidency ; and I have *now* shewn what has resulted from the unassisted efforts and exertions of *one* individual, in one of the states of that great country which bids fair in less even than half a century to

“Get the start of the majestic world,
And bear the palm alone”—

I am,

Sir

Your obedient servant,

P. M. W.

LETTER VI.

'The vain titles of the victories of JUSTINIAN are crumbled into dust ; but the name of the *Legislator* is inscribed on a fair and everlasting monument. Under his reign, and his care, the Civil Jurisprudence was digested in the immortal works of the *Code*, the *Pandects*, and the *Institutes* ; the public reason of the Romans has been silently or studiously transfused into the domestic institutions of Europe, and the laws of JUSTINIAN still command the respect or obedience of independent nations. Wise or fortunate is the prince, who connects his own reputation with the honour and interest of a perpetual order of men.'

[*Decline and Fall of the Roman Empire, Chap. XLIV.*

To the Editor of the India Gazette.

SIR,

In the first communication which I addressed to you on this most important subject, I pointed out the strong *necessity* which exists for the compilation of a *CODE*—the *mode* by which I considered that this very desirable object would be best attained—and the materials from which a consolidation of the Laws extant could be advantageously framed. In my second letter on the subject I stated that it was not my intention to mark the works of local application enumerated in my first letter, as the *only* ones to be consulted in the course of the undertaking, but, on the contrary, that it would be most essential to form a complete library, for purposes of reference to the works of those sages whose labours from the days of JUSTINIAN to the time of BENTHAM inclusive, entitled them to rank amongst the benefactors of mankind. In my third letter on this topic, I shewed what had been effected at Bombay by the mental energies and capabilities of two highly talented individuals, namely, the Honorable Mr. Elphinstone, late Governor, and Mr. C. Norris, late Judicial, now Chief Secretary at that

Presidency. In my fourth communication, I exhibited the result of the unassisted efforts and exertions of *one* individual (Mr. Livingston) in regard to a Penal Code for the state of Louisiana. And I now proceed to the discharge of my promise, to give an outline of the system of legislation which has been pursued in the country, since the year 1765, up to the present period.

It being in the very nature of a **COMPILED** (such as it is the object of these letters to recommend to the consideration of those *who have the power to direct* the undertaking of this eminently useful and important work) to avail one's self of the labours of others; (for what, in fact, is a CODE, but a judicious digest, or consolidation of previous writings and enactments?) I shall make no apology for recurring to, and quoting from the writings of those who have preceded me on this most interesting subject. Accordingly, I find that in a work (entitled, "The History of the Rise and Progress of the Judicial or Adawlut System, as established for the Administration of Justice under the Presidency of Bengal,") by General Leith, a neat and concise history has been given of the Regulations enacted from the year 1765 to 1793, divided into eight periods, of which the following is an abridgment.

"The object of the *present inquiry*," says the author of the work in question, "is to trace the origin of the judicial system, to *illustrate its principles*, and to mark the occasional deviations which had been made from these." The battle of Buxar, in 1764, was the era of our complete ascendancy in India, from which day our dominion was placed beyond serious hazard; and the first *period* adverted to by General Leith, is the year 1765, the date of the grant of the Dewanee (or right to the collection of the Revenue, and the Administration of Civil Justice, in the provinces of Bengal, Behar, and Oorissa), to the East

India Company in perpetuity by the Emperor of Delhi. In the year 1766, Lord Clive took his seat as Dewan or Collector of the Revenue in a Durbar, held near Moorshe-dabad, whilst the Nabob sat in conjunction with him, as Nazim, or Criminal Magistrate. "Great allowance (it is observed by the author of several excellent letters on the Adawlut System of India, which appeared in the *Calcutta Journal*, in 1821-22, under the signature of PHILOPATRIS) is to be made for the novel position in which the English conquerors found themselves, during the first few years that elapsed after they broke down the remnant of Mogul supremacy on this side of India, and after the acquisition of the Dewanee left them, without shadow of restraint, free to exercise whatever portions of the civil as well as criminal jurisdiction they chose to assume in their own way. The phantoms of tribute, and surplus revenue dazzled them, and danced before their eyes, distracting their perception, as indeed they continue to do, even at this day, with many ancient worthies in England: though such visions, pregnant with folly, and with *injury to both countries*, are abandoned by the better race of political economists that have succeeded. Lured by this 'ignis fatuus,' the exercise of the chief criminal jurisdiction was virtually abandoned to the feeble and corrupt administration of a Nuwab, the *shadow of a shade!* Revenue was the god of the idolatry of the day: it was worshipped with exclusive devotion, in all its shapes, phases, and ramifications: whether connected with exclusive trade—monopolies of produce—transit duties—land-tax—transmission of property, and so forth. The civil and fiscal branches of *judicial administration*, under such notions, necessarily came to be jealously engrossed in point of fact by the conquerors, and the pre-existing laws of property, with the revenue system of the Moguls, remained in force, in some degree through indolence, but in a great

measure through fear of disturbing the sources from which the ample and secure streams of revenue appeared to roll their abundant tide." Such is a brief, but, at the same time, true, history of what may be denominated the first period. It is justly remarked, however, by PHILOPATRIS, that his Lordship's (Lord Clive's) forte did not lie eminently in the walk of *legislation*, or of civil government, and that he was *not* one of those rare men who are formed to shine in 'arts as in arms'—"certain that he did not profit by what seemed a golden opportunity for laying the foundations of a judicial system for the conquered and secured possessions of Great Britain, which in process of time might have naturalized among them, if not our language, at least the essential and main *principles* of our jurisprudence—so infinitely superior to the rude and imperfect Codes which were suffered to remain in force, and received the sanction of our adoption."

In the year 1770, Councils were appointed at Patna and Moorshedabad, with servants under them, to superintend the administration of justice, and the collection of the revenue. Great abuses, observes General Leith, are said to have attended this state of government: the European servants possessed but an *imperfect acquaintance* with the *language* and *manners* of the natives, and the authority of the Government was too feeble to enforce a strict obedience to their orders. This system, he adds, was however, a natural consequence of our sudden and singular acquisition of power in the country. The *second period* is that, when the Company assumed the entire care and management of the revenue, or to adopt the words of the author of the work quoted, 'The year 1772 is distinguished by the resolution which the Company express, to stand forth as *Dewan*, and, by the agency of their servants, to take upon themselves the entire care and management of the revenue—when the Naib *Dewan* and his office were abolished, and a Committee appointed in Bengal, by order of

the Court of Directors, consisting of the Governor, Mr. Hastings, and four Members of Council, to inquire into the administration of justice amongst the natives there. Their report, observes General Leith, exhibits a very full detail of the Mahomedan law courts and police establishment; and the observations which are dispersed throughout are marked with the learning of a scholar, and the strong sense by which the President of the Committee was distinguished.

By this Committee, it appears, that a plan was delivered in for the establishment in each provincial division of a civil and criminal tribunal, to be regulated by the laws and usages of the natives, under the superintendence of a European officer (styled Collector), assisted in his decisions by an establishment of law officers, from whose court an appeal lay to two superior courts fixed at the seat of Government, the Sudder Dewanee and the Nizamut Sudder Adawlut—the former superintended by the President or Governor with two Members of Council. A chief officer, appointed on the part of the Nizim, presided in the Nizamut Adawlut, and over this Court also the President and Council exercised a certain control. Mr. Hastings himself presided in it for eighteen months, but, from the multiplicity of business, resigned the situation, when the court was removed back to Moorshedabad, where it had originally sat, and placed under the charge of Mahomed Reza Khan in his capacity of Nazim. The regulations for these courts are stated to have been comprised in thirty-seven paragraphs, *the whole not amounting to sixteen quarto pages*; and the Committee describe themselves as having endeavoured to adapt them to the manners and understandings of the people and exigencies of the country, adhering as closely as possible to their ancient usages and institutions. Many of these rules, adds General Leith, still exist, as living laws in the body of the great modern Code.

of Bengal—but the constitution itself of the courts gave way to a new order of things in 1774, having only survived a period of two years.

In that year, 1774, forming *the third period*, it would appear, that the Collector's Courts were abolished, and Provincial Councils established in the six great divisions of Calcutta, Burdwan, Dacca, Moorshedabad, Dinaugore, and Patna. These Councils consisted of five Members of the Civil Service; who superintended the joint departments of revenue, *trade*, and the administration of justice—an establishment of a Cazee, a Mooftee, and Pundit, was attached to every Council.

The constitution of these Provincial Courts, observes the author of the 'Adawlut System,' if examined, in reference to general principles, will appear defective. Their administration of justice was however not unsuited to the manners and habits of the people, and was described to be *simple in its process, speedy in the determination of causes, and productive of little expense to the parties.* Nor would it appear, (he adds,) on a reference to the examinations that were taken in the year 1780, in Parliament, as to the due administration of justice in Bengal and Behar, that any particular complaints or dissatisfaction prevailed against the system—but, on the contrary, that the most respectable and best informed men on the subject, (such as Major Reynell, Mr. Boughton Rouse, and Sir Philip Francis,) bore testimony to the integrity and intelligence with which the different functions were discharged.

The sudden recall and abolition of these courts by the Governor General, Mr. Hastings, (within less than four months after Mr. Francis's departure from India,) and after they had received the approbation of the Court of Directors, was commented upon by the Committee of the House of Commons, in the following terms:—“Your Committee con-

sider this act in many points of view, as a very unjustifiable and dangerous innovation." The reason assigned by Mr. Hastings, for the change, was—a regard to economy.

In the early part of the year 1780, *the fourth period*, a body of regulations was passed by the Government of Bengal, amounting, according to General Leith, to forty-three in number, (*but not exceeding five folio pages*,) for the administration of justice, by which the jurisdiction of the Provincial Council was confined to all matters of revenue—a court established in each of the divisions of Calcutta, Moorshedabad, Burdwan, Dacca, Purnea, and Patna, under the charge of one Judge designated the superintendent of Dewanee Adawlut; his jurisdiction to be independent of the Provincial Council, and to include all causes of civil nature whatever, not being revenue, and his decree final in all cases for sums not exceeding one thousand rupees. The appeal lay, in cases exceeding the above amount, to the Sudder Dewanee Adawlut. But the above plan, observes General Leith, had hardly been established before the inconveniences of the measure came to be felt in the classing of two separate jurisdictions within the same district; in noticing which, in his minute of the 29th September 1780, the Governor General expressed the following opinion. "The institution of the new Courts of Dewanee Adawlut has already given occasion to very troublesome and alarming competitions between them and the Provincial Councils, and to much waste of time at this Board. These, however, manifest the necessity of giving a more than ordinary attention to these courts in the infancy of their establishment, that they might neither prevent the purposes, nor exceed the limits of their jurisdiction, nor suffer encroachments upon it.—To effect these points would require such a laborious and almost unremitting application, that however urgent or important they may appear, I should dread to bring them before the consideration of the Board, unless I

could propose some expedient for that end that should not add to the weight of business with which it is already overcharged. That which I have to offer will, I hope, prove rather a diminution of it."

This offer, adds General Leith, consisted in the nomination of Sir Elijah Impey, the Chief Justice of His Majesty's Supreme Court, to the Superintendence of the Sudder Dewanee Adawlut—the subject of much comment and censure in Europe. On this point, however, it has been justly observed, "Mr. Hastings' scheme of making an English Lawyer Chief Judge of the Sudder was angrily rejected, on account of his declared purpose of using it to buy over the Chief Justice of the Supreme Court."

"But in itself, the plan seems to have combined many advantages—of which the most striking are, the added dignity, gravity, and cautiousness of procedure—the infusion of general principles of jurisprudence and equity—the counterpoise to more hasty and ministerial habits, acquired by the other judges, from long and inveterate custom of considering themselves more in the light of servants of Government than is consistent with the judicial character, and the tendency that would be produced to assimilation in practice and usages with the King's Court—to which may be added, the bounty and encouragement to the diffusion of the English language, the true instrument of civilization. Prejudice or interest only could deny the weight of these advantages, unless we are prepared to say, that we do not desire to see one language and one jurisprudence prevail in time over these regions, instead of the confusion, laxity, and diversity that now exist.

"If we do desire the gradual accomplishment of such great and good ends, we ought not to disdain any steps in the gradual progression; and this appears to be one that might be eminently useful."

On the 5th July, 1781, a new set of *Regulations* was published, the declared object of which was stated to be the explaining such rules, orders, and regulations, as were ambiguous, and revoking such as might be found repugnant or obsolete. It would appear, that the number of rules did not amount to one hundred, and were contained in seventy-two quarto pages. These rules were said to have been drawn up by Sir Elijah Impey, but this Code is stated by General Leith to have been in point of perspicuity much inferior to the original one of 1772. At this period also, the superintendence of criminal justice was vested in the Governor General, under whom an officer was appointed to act with the title of Remembrancer of the Criminal Courts; but the ultimate decision remained with the Naib Nazim, who held his court at Moorshedabad.

The *fifth period*, or the latter part of the year 1782, was marked by the abolition under orders from the Court of Directors of the appointment of Sir Elijah Impey, and the re-assumption of their jurisdiction over the Court of Sudder Dewanee Adawlut, by the Governor General in Council. That court was also constituted a Court of Record, and its judgments declared to be final, except in appeal to the King, in civil suits, the value of which should be five thousand pounds and upwards.

In the year 1786, or the *sixth period*, Lord Cornwallis arrived in India, and during this year instructions were sent by the Court of Directors, in the general letter addressed to the Governor General in Council, for regulating the administration of justice on principles accommodated to the subsisting manners and usages of the people. The Courts of Dewanee Adawlut were directed to be placed under the management of the Collectors of Revenue, excepting in the cities of Moorshedabad, Dacca, and Patna, where distinct courts were established, superintended by a Judge and Magistrate.

On the 27th of June, 1787, a body of judicial regulations was passed, but not materially different from those enacted in 1781.

At the end of the year 1790, or the *seventh period*, the Governor General accepted the administration of criminal justice throughout the provinces. The Nizamut Adawlut was removed from Moorshedabad to Calcutta, and vested in the Governor General in Council, assisted by the Cazee-ool-Coozat and two Mahomedan Law Officers. Courts of Circuit, superintended each by two covenanted servants, and an establishment of law officers, were appointed in each of the provinces. The regulations for the administration of criminal and civil justice were revised and amended, which brings us to the *eighth period*, or the establishment of the Code of General Regulations in 1793, where, not to trespass too far upon the limits of your columns, we will pause for the present.

I conclude with a quotation from one of the letters (to which I have already alluded, published in the *Calcutta Journal*), under the signature of *PHILOPATRIS*, and it is unnecessary to add, that in the sentiments so forcibly and well expressed therein, I for one most fully coincide.

"The first and by far the most important desideratum in Indian judicial improvement, would seem to be THE COMPILEDATION OF A COMPLETE CODE OF CIVIL AND CRIMINAL LAW, for the mofussil jurisdiction. If any of the laws or modes of practice at present in force require amendment or alteration, this opportunity would of course be taken to improve such: but the main thing wanted is, to have the law, whatever it may be, strictly defined, and clearly laid down: so that judges shall not be forced to resort to the occasional and inconclusive expositions of Hindu and Mahomedan assessors in any case, or to the obscure and doubtful ancient authorities which those assessors profess to

interpret; such a book systematically digested, and arranged under obvious heads, and titled after the fashion of the Code Napoleon, would supersede not only the ancient common law (as it may be called), under the provisions of which we profess to govern our various classes of native subjects, but also the statute law or Regulations, which in this age of legislation of making and unmaking, are swelling by rapid degrees to an enormous bulk, alarming not less to the judge than the suitor, and advantageous to those alone who thrive on its size and fatten by its intricacy.'

"The compilation of such a Code would be an operation of time and labour: but *that consideration only points out in a stronger light the necessity of setting seriously and without delay about the good work*; every day that it is deferred, will but add to the difficulty of a task which sooner or later must be accomplished, and cannot without much hazard be put off beyond a few years. *When that colonization which has at length become the anxious desire of every enlightened man who seriously reflects on the connection between England and India, shall be legalized, as assuredly it will be, at no very distant day, and when a mixed population shall become established in the provinces, our various and variegated races of inhabitants will require to be regulated and governed in all the relations between component classes, individuals, and the state, by fixed and known laws, accessible and intelligible to all, whatever their language, tribe, or religion.*

"It would greatly exceed the bounds of a newspaper letter to attempt the detail of all that should be embraced by such a compilation as that proposed. But this may be said of it with safety, that in addition to distinct chapters and heads for each branch of laws in force throughout the country, CRIMINAL, CIVIL, REVENUE, together with such laws of England as are deemed applicable to Europeans or na-

tives in India, a separate preliminary section should be allotted to a succinct enumeration of the several tribunals established among us, from the Supreme Court down to the lowest mofussil judicature for petty suits. The powers, functions, jurisdictions, and establishments of each should be briefly *but completely* detailed, together with the forms of procedure: so that every man might have it in his power to know where redress is to be had in his particular case, and be enabled, if the abomination of taxed justice, so forcibly vituperated by the ablest writers, cannot be abolished, because of its antiquity, and universality, to calculate, at least with some approach to precision, the probable cost of his journey in the high road of the law. The French Code has some useful information in this way, and Blackstone is copious in his description and definitions of the various tribunals of our own country. No Code, in fact, is complete without some such explanation.

"In compiling the Code it would naturally occur *as desirable*, that several individuals should be employed together in COMMITTEE, each contributing that portion of the joint labour which refers to the branch of law or practice in which he is supposed to be most conversant. That numerous individuals are to be found, duly qualified for such a task, among the highly gifted persons in the Indian judicial and fiscal administrations in its various departments, no one can doubt. The men thus employed should be relieved for the time from all other ordinary duty. It is difficult to imagine any service on which they could be so beneficially occupied as upon this great work of Legislation. The Committee might be appropriately headed by one of the learned Judges of the Supreme Court as its President. One department of the compilation, alluded to above, would come peculiarly within his province, and he would be likely to give to the whole a salutary tinge, the impress of those grave and

reflecting habits which are induced in English Judges by
long and patient study of laws and of mankind."

I am, Sir,

Your obedient servant,

P. M. W.

March 6, 1832.

LETTER VII.

'But the most essential of all measures would be a complete revision of the whole of the Laws and Regulations, and the formation of an almost new Code. *To the accomplishment of such a task the very highest talents in the Service should be directed, and it would not so much require superiority of legal skill in those employed upon it, as that they should be endowed with minds unfettered by prejudice, for or against any particular system, and be disposed to take the fullest advantage of the facts and experience which late years have accumulated. No expense would be too great to incur for the completion of such an object.*'—
Malcolm's Political History of India, vol. ii. p. 151.

'No price which could be paid for a *complete and accurate digest of the Law* could be regarded as excessive. It would put a stop to that perpetual, partial, *petty legislation* which is going on. No where do such urgent motives exist for presenting the Laws in a clear and compact form as in India, and no where do *fewer difficulties obstruct the attainment of so desirable an object*. The measure therefore *seems to be wise*, and would most likely also prove economical. Even if it failed, it would be beneficial. *If it succeeded, as with prudence and perseverance it might justly be expected to do*, it would fix the Company more firmly than they have ever yet been in the confidence and affection of their own subjects, and *tend more effectually than any of its proudest acts to spread its honor and renown among surrounding nations!*'—
Miller on the Administration of Justice in the East Indies.

To the Editor of the India Gazette.

Sir

The system of law and regulation, (observes Mr. Harrington in the first volume of his Analysis,) which was

established in the year 1793, for the internal administration of the provinces immediately subject to the authority of the Governor General in Council, at Fort William in Bengal, owes its origin and foundation to the political wisdom, justice, and humanity of MARQUIS CORNWALLIS; whose exalted character will be alike perpetuated by his glorious achievements in arms; by a life devoted to the interests and honor of his country; and by this memorial of his able, virtuous, and beneficent administration in India.

The regulations passed in the year 1793 amount in number to fifty-one; reducible, according to the different *departments* to which they have relation, under the following general heads:

REGULATIONS OF 1793.

<i>Subject.</i>	<i>No. of Regulations.</i>	<i>Department.</i>
Abkaree.....	34. 51.	Revenue.
Affrays, prevention of.....	49.	Judicial, Civil.
Appeal—see <i>Courts infra</i>	—	idem.
Arbitration, reference of suits to.....	16.	idem.
British subjects, prohibitions regarding.....	28.	General.
Courts of		
Sudder Dewanee Adawlut.....	6.	
Appeal.....	5. 47.	}
Zillahs and Cities.....	3. 4.	Judicial, Civil.
Native Commissioners.....	40.	
Customs.....	42.	Revenue.
Duties and Taxes, resumption of.....	27.	idem.
Embankments.....	33.	idem.
Estates, division of.....	25.	idem.
quinquennial register of.....	48.	idem.
Inheritance, Hindoo and Mahomedan law of.....	11.	idem.
Lands, grants of—to Invalids... public sale of.....	43. 45.	}
Law and Ministerial officers.....	12. 13. 39.	Judicial, Miscells.
Leases, grants of.....	44.	Revenue.
Loans, interest on.....	18.	Judicial, Civil.
prohibition of by Civil Servants to landholders.....	38.	
Minority, extension of the term of.....	26.	General.
		Revenue.

<i>Subjects.</i>	<i>No. of Regulations.</i>	<i>Department.</i>
Mint.....	35.	Revenue.
Opium.....	32.	Opium.
Paupers, admitted to sue.....	46.	Judicial, Civil.
Pensions.....	24.	Revenue.
Pleaders.....	7.	Judicial, Civil.
Police.....	9. 22. 23.	Judicial, Criminal.
Revenue, Settlement of.....	1. 8.	
Board of.....	2.	
Collectors of.....	2.	
Arrears of.....	14.	
Constraint for.....	17.	
Claims to exemption from payment of.....	19. 37.	
Regulations, proposals for enactment of.....	20.	
Code of.....	41.	
Registry of Wills, Deeds, &c.....	36.	Judicial, Miscells.
Residents, Commercial.....	31.	Commercial.
Records, keeping of Judicial.....	18.	Judicial, Miscells.
Revenue.....	21.	Revenue.
Salt.....	29. 30.	Salt.
Wards, Court of.....	10. 50.	Revenue.

Analysis of the above.

<i>Departments.</i>	<i>Nos. of the Regulations.</i>
Commercial,.....	31.
General,	20. 28. 38. 41.
Judicial, Civil,.....	3. 4. 5. 6. 7. 15. 16. 40. 46. 47. 49.
Criminal,.....	9. 22. 23.
Miscellaneous,.....	12. 13. 18. 36. 39.
Opium,.....	32.
Revenue,.....	1. 2. 8. 10. 11. 14. 17. 19. 21. 24. 25. 26. 27. 33. 34. 35. 37. 42. 43. 44. 45. 48. 50. 51.
Salt,.....	29. 30.

RECAPITULATION.

Commercial,.....	1
General,	4
Judicial,.....	19
Opium,.....	1
Revenue,.....	24
Salt,.....	2

The object of the Code, observes General Leith, is well described in the preamble to the *Forty-first Regulation*, which ought indeed to have formed the leading one.

' It is essential to the future prosperity of the British territories in Bengal, that *all Regulations* which may be passed by Government, affecting, in any respect, the rights, persons, or property of their subjects, *should be formed into a regular Code*, and printed with translations in the country languages; *that the grounds on which each Regulation may be enacted shou'l be prefixed to it*; and that the Courts of Justice should be bound to regulate their decisions by the rules and ordinances which those regulations may contain. A Code of Regulations, *framed upon the above principles*, will enable individuals to render themselves acquainted with the Laws, upon which the security of the many inestimable privileges and immunities granted to them by the British Government depends, and the mode of obtaining speedy redress against every infringement of them; the Courts of Justice will be able to apply the regulations according to their true intent and import; future administrations will have the means of judging how far regulations have been productive of the desired effect, and when necessary, to modify or alter them, as from experience may be found advisable. *New Regulations will not be made, nor those which may exist be repealed without due deliberation*, and the causes of the future prosperity or decline of these provinces *will always be traceable in the Code to their source*.'

' SECTION V. Clause First. There shall be a preamble to every Regulation, *stating the reasons for the enactment of it.*

' Clause Second. If any Regulation shall appeal or modify a former Regulation, *the reasons for such repeal or modification are to be detailed in the preamble.*

' SECTION XIII. The Civil and Criminal Courts of Justice are to be guided in their proceedings and decisions by the regulations which may be framed and transmitted to them, and by no other.'

Having thus stated the system, adds General Leith, we may be allowed to pause and contemplate its general aspect, and in the *Preface* to his work he justly observes—' It appeared to the writer of this inquiry, that the objections (to the system established in 1793) have chiefly arisen from *mistaking errors which have occurred in forwarding the progress of the Regulations, for original defects in the plan itself.* Contingent errors creep into every system, and from being suffered to remain, come in time to be regarded as integral parts of it. No institution can be long preserved from decay, *but by often reverting to its original principles, and marking where these have been departed from.*' It cannot be denied, but that (in the fluctuations which have taken place since the year 1793, and amidst the changes of different hands to whom the reins of the Government of India have been from time to time delegated subsequent to that period), the general principle so broadly and distinctly laid down in the preamble above recited, has been most materially deviated from.

New Regulations *have been made, and others repealed without due deliberation,* or they would not at this time have amounted to more than seven volumes in folio, and the officers of Government, who are entrusted with the administration of justice, would not be compelled, (in the words of Mr. Miller,) whenever a difficult case occurs, *to wander backwards and forwards through the voluminous and often contradictory Regulations of the Company, to resort to the opinions of the native lawyers, which are so frequently suspicious or ambiguous; or else to rely upon their own unassisted judgment, which every one practically acquainted with jurispru-*

dence knows to be a very unsafe guide in such an emergency.

That the admirable rules laid down in the first and second clause of the fifth section of Regulation XLI. above quoted, *have not been* adhered to, and that Regulations have been pouring on, (more especially from the year 1814 to 1825, inclusive,) with often no more satisfactory preambles than '*Whereas it is expedient**', is a truth which it will not be difficult to establish in the sequel.

'*There shall be a preamb' to every Regulation, stating the reasons for the enactment of it.*' This is, in the language of the admirable Bentham, 'that to each considerable mass of matter, nay, even to each single word, where the importance of it requires as much, consideration destined to serve in the character of *reasons*, stated in proof of the propriety of whatever were so proposed to be established, should all along be annexed.'

'It is only by the *criterion*, it is only by the *test thus* formed, that talent can be distinguished from imbecility, *appropriate science from ignorance, probity from improbity, philanthropy from despotism, sound sense from caprice, aptitude,—in a word, in every shape, from inaptitude.*

'*Reasons—these alone* are addresses from understanding to understanding—*ordinances without reasons* are but manifestations of will,—of the will of the mighty exacting obedience from the helpless. Absolve him from this condition—rid him of this check—not only the man, who presents a *code* to you for signature—but the man who presents your shirt to you—is competent to make laws. The man who *presents* the shirt? Yes, Sir; or the woman who *washes* it.'

* "Whereas it is expedient."—'Only upon British Legislators could such a phrase pass itself off in the character of a *reason*, or for any thing better than a *mark of dotage*.'—*Bentham on Codification.*

‘ Give up this one condition—Germany alone, on any one subject that you please, will furnish you with as many hundred Codes as you please—all of them *composed upon the most economical principles*; all of them written at the rate of so many pages an hour: all of them without any expense of thought.’

‘ *No reasons! No reasons to your laws!*’ cries Frederick the Great, of Prussia, in a flimsy essay of his, written professedly on this very subject. Why no reason? Because (says he) if there be any such appendage to your law—the first puzzle cause of a lawyer, (*le premier brouillon d'avocat*,) that takes it in hand will overturn it. Yes, sure enough, if so it be, that a text of law *pointing one way*, a reason that stands next to it *points another way*, that is, if either the *law or the reason* is to a certain degree *ill constructed*—a mishap of this sort may have place. But is this a good reason against giving reason? no more than it would be against making laws. As well might be said—*no direction posts!* Why? Because, if coming to a direction post a *mauvais plaisant* should take it into his head to give a twist to the index, making it point to the wrong road, the traveller may thus be put out of his way.’

‘ Suppose now a Code *produced as usual, without any such perpetual commentary of reasons* prefaced for form sake; and to make a show of wisdom—prefaced, *as hath so repeatedly been done* by a parcel of vague and unapplied (because inapplicable) generalities, under the name of *principles*. It may be approved, and praised, and trumpeted. But on what grounds? If in regard to this or that particular provision or disposition of *Law*, any distinct and intelligible grounds for the approbation are produced, they will be so many *reasons*.—Why then, (may it be said to the draughtsman)—why if you yourself know what they are, why, unless you are ashamed of them, *why not come out with them in the*

first instance ?—Why not spread them out at one view before the public at large, instead of whispering them, one at one time, another at another, in the ear of this or that individual pre-engaged by interest or prepossession in quality of trumpeter ? But if no such grounds—that is, if no grounds at all—can be produced, where is the truth or value of any such praise ?

‘On the other hand, suppose a body of law produced, supported, and elucidated from beginning to end, by a perpetual commentary of *reasons*; all deduced from the one true and only defensible principle—principle of general utility, under which they will all of them be shewn to be included.—Here, Sir, will indeed be a new *era—the era of rational legislation*, an example set to all nations, a new institution—and your Majesty the founder of it*.’

Considering, that a very large portion of the evil, resulting from the facility with which regulations have been multiplied ad infinitum, since 1793, is attributable to a material dereliction from the great and unerring principle laid down in Regulation XLI. of that memorable year; that in the continued enactment of new Regulations (without the assignment of *valid and adequate reasons*, ‘by which to an indefinite extent the anterior stock of law has been superseded—some of the general rules completely overturned and superseded by rules of equal extent—or by rules of greater extent in which they are included—others cut into and superseded in part by distinctions and exceptions’)—the sheet anchor of legislation has been parted from—that it is not too late to endeavour to apply a remedy to this great evil, which although it may be difficult, is nevertheless practicable,—I shall not make any apology for having dwelt at such length upon

* Jeremy Bentham, London, to the Emperor of all the Russias, June, 1815.

the preamble and sections quoted of the Regulation in question. 'Every year,' observes General Leith, 'has produced new regulations—every regulation has led to other regulations, and changes upon changes have been multiplied, and are now multiplying without apparent end.'

Surely, it is time to attempt to give in a clear and simple form the received and extant rules of law, *under the sanction of the governing authority of the country*—a digest (to adopt the words of Mr. Miller) 'of the whole civil and criminal law as now administered, which should be at once accurate, clear, and comprehensive.'

Deferring the analysis of the remaining Regulations of 1793 to a future opportunity, I shall conclude this letter by citing the language of the great Jurist, (from whose labors I have already so largely drawn) in his address to the citizens of the American United States.

'Yes, my friends, these labours of mine—labours which of *themselves* are nothing, dreams of an obscure individual—let them but be accepted by *you*, you shall be a people of conquerors. Conquerors, and with what arms—with the sword? No: but with the pen. By what means? Violence and destruction? No: but *reason* and beneficence. *As this your dominion spreads*, not tears and curses, but smiles and blessings, will attend your conquest in its course. Where the fear of his sword ends, there ends the empire of the military conqueror. To the conquest to which *you* are here invited, no ultimate limits can be assigned, other than those which bound the habitable globe.'

'To force new laws upon a reluctant and abhorring people; is, in addition to unpunishable depredation, the object and effect of vulgar conquest—to behold your laws, not only accepted but sought after by an admiring people, will be yours.'

' To those conquests of which slaughter is the instrument, and plunder the fruit, the most brutal among barbarians have shewn themselves not incompetent. By the best instructed minds alone can any such conquest be attained, as that to which *you* are here invited.'

I am,

Sir,

Your obedient servant,

P. M. W.

March 9, 1832.

LETTER VIII.

' But the chief advantage, which the people of England reaped, and still continue to reap, from the reign of this great prince, was the *correction, extension, amendment, and establishment of the laws*, which EDWARD maintained in great vigour, and left much improved to posterity ; *for the acts of a wise legislator commonly remain, while the acquisitions of a conqueror often perish with him.* This merit has justly gained to EDWARD the appellation of the ENGLISH JUSTINIAN. EDWARD settled the jurisdiction of the several courts—first established the office of Justice of the Peace—abstained from the practice too common before him of interrupting justice by *mandates from the Privy Council*—repressed robberies and disorders ; encouraged trade, by giving merchants an easy method of recovering their debts ; and, *in short, introduced a new face of things by the vigour and wisdom of his administration.*'—Hume's History of England, Reign of Edward I.

To the Editor of the India Gazette.

SIR,

' The leading principle,' observes General Leith, ' of MARQUIS CORNWALLIS's government, appears to have been that of forming in every branch of the India Establishment, system. By this term may be implied a body of rules formed in reference to experience, and general principles

prescribed in written forms, superintended by separate departments of office, *and calculated to advance the happiness of the people, whilst they add to the interest of the governing power.* It is an arrangement of this sort which distinguishes a *regular* from a *despotic* Government: it has accordingly been the object of every wise ruler to establish a regular subordination of offices—to form a body of fixed *Laws* for the guidance of these, and to endeavour to give permanency and stability to his institutions. LORD CORNWALLIS left no branch of the political, financial, mercantile, judicial, or military department, unaltered. He endeavoured to improve each, and each department is considerably indebted to the *energy* and prudence of his excellent understanding.'

In my last letter I dwelt at some length upon the great and important principle, which the illustrious statesman, above named, by the enactment of Regulation XLI. 1793, prescribed to the governing power of this country in its legislative capacity, in declaring that there *should be a preamble to every regulation passed, detailing the reasons for enacting it*—and accordingly, acting rigidly up to that rule himself, we find that, of the fifty remaining Regulations (comprized in the CODE of 1793) having reference to, and involving a consideration and acknowledgment of sound general principles founded on the immutable basis of TRUTH, and on an accurate observation and knowledge of human nature, and the springs of action which move it, there is not a single regulation unsupported by its requisite accompaniment of *adequate reasons*.

It is, Sir, men of *this stamp*, ‘whose memories flourish greenest in the admiration of posterity, and by a most just law, that they so live in the estimation of mankind.’

‘To comprise all in one word,’ says the venerable Bentham, ‘*reason, and that alone*, is the proper anchor for a

law, for *every thing that goes by the name of law.* At the time of passing his law, let the legislator deliver in the character of *reasons* the considerations by which he was led to the passing of it.'

'This is what may be termed *justification*; the practice of annexing to *each* law the considerations by which in the character of *reasons* the legislator was induced to adopt it; a practice which, if rigidly pursued, must at no distant interval put an exclusion on all bad laws.'

'To the framing of laws so constituted, that being good in themselves, an accompaniment of good and sufficient reasons should also be given for them, there would be requisite, in the legislator, a probity not to be diverted by the action of sinister interest, and *intelligence adequate to an enlarged comprehension and close application of the principle of general utility*: in other words, the principle of the greatest happiness of the greatest number. But to draw up laws without reasons, and laws for which good reasons are not in the nature of the case to be found, requires no more than the *union of will and power*.

'The man who should produce a body of good laws, with an accompaniment of good reasons, would feel an honest pride, at the prospect of holding thus in bondage, a succession of willing generations: his triumph would be to leave them the power, but to deprive them of the will to escape. But to the champions of abuse, by whom, amongst other devices, the conceit of immutable laws is *played off against REFORM*, (in whatever shape it presents itself,) every use of reason is as odious as the light of the sun to moles and burglars.'

To proceed with the analysis of the Regulations of 1793, commencing with those which are referrible to the *Department JUDICIAL*, subordinate division, *Civil*, may be classed (in numerical order) as follows:

<i>Number of REGULATION</i>	<i>Subject.</i>
— — — — —	III. for extending and defining the Jurisdiction of the Courts of Dewanny Adawlut for the trial of civil suits in the first instance, established in the several zillahs and cities.
— — — — —	IV. — receiving, trying, and deciding suits or complaints cognizable in the first instance in the Civil Courts, established as above.
— — — — —	V. — establishing Courts of Appeal for hearing appeals from decisions passed in the Zillah and City Courts, defining their powers and duties, and prescribing rules for receiving and deciding on appeals.
— — — — —	VI. — extending and defining the powers and duties of the Court of Sudder Dewanny Adawlut, prescribing rules for receiving and deciding on appeals from the divisions of the Provincial Courts of Appeal.
— — — — —	VII. — the appointments of valkeels or native pleaders in the Courts of Civil Judicature, as above.
— — — — —	XV. — fixing the Rates of Interest on past and future Loans.
— — — — —	XVI. — referring Suits to Arbitration.
— — — — —	XL. — granting commissions to natives to hear and decide Civil Suits — prescribing Rules for the trial of Suits and enforcing the Decisions.
— — — — —	XLVI. — admitting Paupers to sue in the Civil Courts.

<i>Number of</i>	<i>Subject.</i>
REGULATION	XLIX. for preventing affrays respecting disputed boundaries.

Under the Department JUDICIAL, subordinate division, *Criminal*, may be classed :

REGULATION	IX. for re-enacting with alterations and modifications the Regulations passed on the 3rd December, 1790, for the apprehension and trial of persons charged with crimes and misdemeanors.
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	XXII. — re-enacting with alterations and amendments the Regulations passed on the 7th December, 1792, for the establishment of an efficient police throughout the country.
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	XXIII. — raising an annual fund for defraying the expence of the Police Establishments entertained under Regulation XXII. 1793.
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Under the Department JUDICIAL, subordinate division, *Miscellaneous*, may be classed :

REGULATION	XII. for the appointment of the Hindoo and Mahomedan Law Officers of the Civil and Criminal Courts of Judicature.
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	XVIII. — preserving complete the Records of the Civil and Criminal Courts of Judicature.
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	XX. — empowering the Zillah and City Courts, Provincial Courts of Appeal, and Sudder Dewanny and Nizamut Adawlut to propose Regulations regarding matters within their cognisance.
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<i>Number of</i>	<i>Subject.</i>
REGULATION XXXVI.	for establishing a Registry for Wills and Deeds for the transfer or mortgage of real property.
XXXIX.—	the appointment of the Cazee-ool-Coozat, or Head Cazee of Bengal, and District Cazees.
XLVII.	providing for differences of opinion between the Judges of the Provincial Courts of Appeal and Courts of Circuit, and prescribing Rules regarding other matters connected with their official situations.

By Regulation I. 1793, Department REVENUE, subordinate division *Land*, the property in the soil was declared to be vested in the zemindars, or landholders, and the revenue payable to Government from each estate, fixed for ever.

The preamble to Regulation II. 1793, Department REVENUE, subordinate division *General*, recites, that the commerce, and consequently the wealth of the country, must increase in proportion to the extension of its agriculture.— That to effect improvement in agriculture, (necessarily followed by the increase of every article of produce,) is accordingly one of the primary objects to which the attention of the British Administration has been directed in its arrangements for the internal government of the Bengal Provinces.— That as being the two fundamental measures essential to the attainment of it, the property in the soil was declared to be vested in the land-holders, and the revenue payable by them to Government unalterably fixed, thereby rendering it the *interest of the proprietors to improve their estates*, and affording them the means of raising the funds necessary for the purpose.— That further measures were however essential to the attainment of the important object

above stated.—That all questions between Government and the land-holders respecting the assessment and collection of the public revenues, and disputed claims between the latter and their ryots, had been hitherto cognizable in the Courts of Mal Adawlut, or Revenue Courts, in which the Collectors of Revenue presided as Judges, from whose decisions appeals lay to the Board of Revenue, and thence to the Government in the Department of Revenue.—That the proprietors could never consider the privileges conferred upon them as secure, whilst the revenue officers were vested with these judicial powers.—That other security must therefore be given to landed property, and to the rights attached to it, before the desired improvements in agriculture could be expected to be effected.—That Government must divest itself of the power of *infringing in its executive capacity* the rights and privileges, which as exercising the legislative authority, it had conferred on the land-holders.—That the separation of the revenue and judicial duties was essential.—That all financial claims of the people must be subjected to the cognizance of the Courts of Judicature, to whom the Collectors of Revenue should be themselves amenable.—That no power would then exist in the country by which the rights vested in the land-holders could be infringed, or the value of landed property affected.—*That land would in consequence become the most desirable of all property*, and the industry of the people directed to those improvements in agriculture, as essential to their own welfare as to the prosperity of the state. Accordingly, the 2nd Section of this Regulation declared the abolition of the Courts of Mal Adawlut, or Revenue Courts, and transferred to the Courts of Dewanny Adawlut, the trial of the suits which were cognizable in those courts, as well as all judicial power whatsoever, heretofore vested in the Collectors of Revenue, or in the Board of Revenue, collectively or individually.

The remaining sections of this regulation prescribe the duties of the Collectors of Revenue and their head native officers, and the powers and duties of the Board of Revenue itself.

In declaring his *reasons* for the enactment of Regulation III. 1793, (Department JUDICIAL, subordinate division Civil,) the Marquess Cornwallis observed, that the solicitude of the British Government had been directed to protect the inhabitants of the Bengal Provinces in the free exercise of their religion, and *to afford security to their persons and property*. That the *enactment* of regulations for this important end was not of itself sufficient, without the establishment of Judicial Courts upon principles calculated to protect private rights and property.—That to ensure to the people the benefit of good laws duly administered, Government had determined to divest itself of the power of interfering in the administration of the laws and regulations in the first instance, and to lodge its judicial authority in Courts of Justices, the Judges of which should not only be solemnly bound to dispense the laws and regulations impartially, but be so circumstanced as to have no plea for not discharging *their high and important trusts with diligence and uprightness*.—That the authority of the laws and regulations so lodged in the courts should extend not only to all suits between individuals, but that *the officers of Government themselves* should be *amenable to the courts* for acts done in their official capacity in opposition to the regulations.—That the constitution of the courts should be framed upon such principles, as to enable every individual to command at all times the exercise of the judicial power of the state thus lodged in the courts, for the redress of any injury which he might have sustained in his person or property.—That a system for the administration of laws and regulations so constituted would contain an active principle, which must continually operate to the important end

of compelling men to be just in their dealings—bring into action that spirit of industry which is implanted in mankind, *and which exerts itself in proportion as individuals are certain of enjoying the fruits of it*—dispensing prosperity and happiness to the great body of the people—*and increasing the power of the state, which must be proportionate to the collective wealth, that by good government it may enable its subjects to acquire.*—That as the basis of this system, for the administration of justice, the powers specified in this regulation were lodged in the Courts of Judicature, for the trial of civil suits in the first instance, established in the several zillahs and cities enumerated in Section 2.

The remaining Sections define their jurisdiction, duties, and powers, to take cognizance of all suits of a civil nature, (not of criminal matters.)

REGULATION IV. 1793, enacts the rules to be observed in receiving, trying, and deciding suits in the Zillah and City Courts, of which a detailed analysis is in this place unnecessary. Suffice it to observe, that the several provisions which it contains, and which have remained unrescinded by regulations subsequently enacted—with such other analogous rules as have been framed on the same subject at different periods, up to the present date,—would admit of classification under the subordinate heads of

- Decrees,
- Evidence,
- Exhibits,
- Procedure,
- Process,
- Pleadings,
- Pleaders,
- Suits,
- Witnesses, &c. &c.

For the enactment of REGULATION V. 1793, whereby Provincial Courts of Appeal (for hearing appeals from decisions passed in the Zillah and City Courts) were established, the following *reasons* were assigned in the preamble; namely, That parties in suits instituted *in the late Courts* of Mofussil Dewanny Adawlut, who considered themselves aggrieved by decisions of those courts, had no tribunal to which they could apply for redress, but the Sudder Dewanny Adawlut or Court of Appeal established at Calcutta.—That individuals residing in the interior of the country, whose occupations prevented their repairing to Calcutta in person, were consequently often under the necessity of submitting to decisions by which they deemed themselves injured, even in suits that were appealable.—That the Court of Sudder Dewanny Adawlut being composed of the Governor General and Supreme Council, it became necessary to restrict appeals to decisions of a certain amount or value, to prevent a greater number of appeals being preferred than the general administration of the public affairs would allow of their hearing.—That the principal part of the suits instituted in the courts aforesaid not being appealable under the above limitation, the greater proportion of the suitors, claimants to landed property, traders, manufacturers, and other persons chiefly of the lower and most industrious orders of the people, had consequently no remedy against unjust or erroneous decisions.—That in suits regarding arrears of rent and revenue between proprietors and farmers of land, under-farmers, ryots, and others, obstacles equally great existed to the prosecution of the appeal, which lay in such cases to the Board of Revenue and the Governor General in Council, in addition to the further impediments occasioned by the irregularity in the process, and the defects in the constitution of the Revenue Courts.—That the jurisdiction of the *Courts of Dewanny Adawlut*, established in the several zillahs and cities, was now extend-

ed to civil suits of all descriptions between individuals, and, under certain restrictions, between Government and its subjects.—That it was essential to the prosperity of the country, that all persons, *specially the cultivators of the soil*, the traders and manufacturers, and the other classes of the lower and most industrious orders of the community, who might be dissatisfied with the decisions of those courts, should have an appeal to a higher Court, to which they can have ready access ; and that *this court should be so constituted*, that they might look up to it with confidence for redress against unjust or erroneous decisions. --Accordingly, by Section 2, four Provincial Courts were established, and three Judges appointed to each court.

The remaining sections of this regulation relate to the locality of these courts, their jurisdiction, duties, powers, procedure on the trial of appeals, pleadings, process, penalties incurred by resisting the same, limitation of period of appeal, security to be taken for the costs of appeal, exhibits, depositions, evidence, (new on appeals in certain cases,) delivery of decrees to parties, and execution thereof, (all susceptible of reduction under specific and analytically subdivided heads.)

The preamble of Regulation VI. 1793, recites, that the extension of the powers of the Zillah and City Courts of Dewanny Adawlut, established in the several zillahs and cities, by Regulation III. 1793, for the trial of civil suits in the first instance, and the establishment of four Provincial Courts of Appeal, by Regulation V. 1793, having rendered it necessary to extend the powers of the Sudder Dewanny Adawlut or Court of Appeal in the last resort in civil suits, and to modify the late regulations prescribed for its guidance, in conformity with the principles upon which the courts subordinate to it have been constituted, Rules to that effect were enacted accordingly.

By Section 2, of the Regulation in question, the Court of Sudder Dewanny Adawlut was made to consist of the Governor General and the other Members of the Supreme Council.

The remaining sections of the regulation relate to the locality of the court, its jurisdiction, powers, procedure, process, and decrees.

Not to encroach too far upon the limits of your paper, or the patience of your readers, I shall reserve the analysis of the remaining Regulations of 1793 for a future communication, and beg to conclude at present by a quotation from one of the excellent letters of *PHILOPATORIS*, to which I have already alluded. ‘When the grand and *primary desideratum* of a COMPLETE CODE OF THE LAWS in force among all classes of inhabitants in India shall be supplied, and when it shall have been fully promulgated in every district, accompanied by an official translation in the vernacular tongue of each, so as to be accessible and intelligible to all, we shall have surmounted *by far the greatest*, if not the only formidable difficulty that impedes the course of judicial improvement. A written Code must supersede at once the employment of unenlightened, not to say knavish, expounders.—It must simplify forms generally, and *abridge written proceedings in particular*, narrowing the ample field of *Wukeel's quibbles and chicanery*, and by abolishing futwas, bewustas, and all those pernicious practices, which, by separating the functions of declaring and administering the law, *divide responsibility* and diminish the suitor’s chance of substantial justice.—It will benefit these last, by imparting at least to some, and gradually diffusing among all, so much general acquaintance with the regulations and forms as may render them less helpless than they now are, in the hands of a few brethren learned in the glorious intricacies and uncertainties of the Law. As a necessary consequence, it must therefore tend to curtail the expenses of litigation, probably in no inconsiderable degree.

‘ These practical advantages, if there were none other of a higher order—if we reckon as nothing, the amendments which would probably follow, to the laws themselves, *in the process of collection, revision, and simplification*, or if nothing be considered as gained by the advancement in the political and moral scale, which would spring from this indirect bounty on individual intelligence, and the spread of education—these practical benefits above enumerated are of themselves *great and striking*, and more than sufficient to outweigh the opposing inconveniences, which may, and no doubt would be marshalled in formidable array by that portion of mankind which in all countries, whether interestedly or disinterestedly, *prefer things as they are to any change*.

‘ One effect of the proposed REFORM and CODIFICATION would certainly be, that of reducing within more strict and determinate limits the great and undefined powers at present exercised by so many judicial and magisterial officers all over the country, under little *practical* and efficient check, beyond their own discretion and temper; in other phrase, their consciences, which may be of more or less yielding stuff, and will vary unfortunately with the education, principles, and habits of the individual. But who will deliberately say, that any limitation or circumscription of such authority within more definite landmarks is an evil? All men love to possess power, some from bad motives; some from a feeling that they are themselves incapable of abusing it; some, in India particularly, from a confined and unphilosophical notion, that no other regimen is adapted or capable of adaptation to the country or the people. With those of *this* class, the *beau ideal* of Indian government and administration consists in the division of the British provinces into pro-consular circles, each ruled by its little paternal despot—clothed with plenary authority, civil and military, *dispensing a precarious equity without forms*, under the guidance

of some favorite theory, as to the distribution of justice, or the peculiarities of customs, tribes, and climate, and relaxing the grip of fiscal exaction, or squeezing a fivefold tithe, according to his capricious and periodical estimate of the yearly bounties of nature and the consequent capacity of endurance. Such legislators and economists have not inappropriately been designated as of the sect of *Retrograders* or *Retrogressors*, and to such, every step which successive enlightened administrators have made towards the introduction of government by fixed laws, and *elevating the condition of Native Indian Society*, appears fanatical and foolish. On their principles, the introduction of courts and regulations, and the *limitation of agricultural taxation by the permanent settlement*, are as so many acts of *felo de se*, on the part of rulers, absurd and culpable !

‘ Those who have resided long in India, and much in the Mofussil—those who have read the admirable work of *Mr. Mill*, or the invaluable Appendix to the Fifth Report, will recollect abundant instances in proof of the expediency of restraining by written and promulgated law the loose and almost boundless authority that is often exercised in coercion of witnesses, suitors, and those *suspected of being suspicious*.

‘ No candid observer will deny, that under the peculiar circumstances of our position, and of the state of religion, morals, education, and manners in India, larger powers are necessary to the due efficiency of internal administration in the provinces, than are required in more advanced stages of society and better balanced politics, such as those of Europe. But whatever the extent of these necessary powers, they should at least be defined, and known to all *as far as practicable*; and the accomplishment of this object would be one of the first fruits of a well digested Code of Laws, translated into every dialect, and by the multiplying power of the Seram-

pore Mission Press, to which India is so largely indebted, made to penetrate into every corner and village of the land.'

I am,

Sir,

Your obedient servant,

March 20th, 1832.

P. M. W.

LETTER IX.

- ‘ Let the Law be *reformed*, and put into that state, in which alone it is adapted to answer the end for which it is intended. Let the Laws, whatever they may (for the security of existing rights, or the attainment of future advantages) be *determined to be*, receive what alone can bestow upon them a *fixed or real existence*; let them all be expressed in a written form of words, *words as precise and accurate as it is possible to make them, and let them be published in a book*. This is what is understood by a *Code*; *without such a Code there can be no good administration of justice*; in such a state of things as that in INDIA, there can, without it, be no such administration of justice, as consists with any tolerable degree of human happiness, or national prosperity.’—*Mill's History of India, Book vi. Chap. 6.*
- ‘ The numerous Regulations which have been enacted during the last thirty-seven years, have now attained to so great a bulk, and undergone so many and important alterations, that even with the most retentive memory, and a very extensive knowledge of their contents, *it is frequently found impossible to refer to the Rules on any particular subject*, without a long and laborious search, for which the various duties which the officers of Government are required to perform leave very little time or opportunity.’—*Dale's Index to the Regulations—Preface.*
- ‘ Every year has produced new Regulations: every Regulation has led to other Regulations: and changes upon changes have been multiplied, and are now multiplying without apparent end.’—*Leith on the Adawlut System.*

To the Editor of the India Gazette.

SIR,

Whether the important work, towards the commencement and production of which it is the object of these letters to

contribute, be directed to be undertaken under the authority of the Local Government—whether orders to that effect shall emanate from the superior authorities in England—or whether it shall be eventually enjoined by a Legislative provision, incorporated in such act of the LEGISLATURE, as shall provide for the future administration of the affairs of this splendid annexation, by the valour and fortune of our countrymen, to the sovereignty of Great Britain, it will, I consider, in any of these cases, not be a useless employment of time or of labour to bring, in the first instance, prominently and methodically to view, the more important regulations which have *already* been enacted (up to the present period) by successive Governments in the exercise of the local powers of legislation, delegated to them by express Act of Parliament.

To effect this object, it will not, I conceive, be necessary to enter into a minute examination of every *separate* Regulation, its merits or demerits, the *reasons* by which it may have been supported, or *otherwise*; the various modifications, rescindments of its provisions in part, or *in toto*, re-enactments, and re-rescindments. This work would of course form a portion, and a most material one, of the labours of the LEGISLATIVE COMMITTEE; at all events, it would be the imperative duty of the Secretary, or functionary howsoever designated, charged with the *operative* part of the compilation, closely and critically to analyze the whole series of regulations which may have been passed on any one topic or subject, with reference to its department, division, subordinate head, &c. and to bring the result of his examinations in a written, clear, and distinct view (the TABULAR form appears the most comprehensive and best adapted for the purpose) to the notice of the Committee for their consideration, discussion, and final determination, as to the fixed and real ex-

istence to be hereafter given to the Law on the subject in question.

An analysis having been already given in my last letter of the very important first six Regulations of the Code of 1793, I proceed to dispose of the more material of the remaining ones as briefly as the subjects of each will allow.

To deviate a little from the numerical order according to which the Regulations passed in 1793, relative to the administration of justice (Department JUDICIAL, *subordinate division CIVIL*) were enumerated in my last letter, it may be convenient here to notice Regulation XL. of that year, ‘for granting *Commissions to Natives*, to hear and decide civil suits, for sums of money, or personal property of a value not exceeding fifty Sicca Rupees, and prescribing rules for the trial of the suits, and enforcing the decisions which may be passed upon them.’ The *reasons* (and, as already observed, no regulation was passed by Marquess Cornwallis without *that* indispensable accompaniment, ‘the image and superscription of Cæsar,’) assigned in the preamble for its enactment, are, that there being one established tribunal in each zillah for the trial of causes, parties in the most trivial suits were compelled to repair in person to the sunder stations—That, to quit their employments, and proceed to a distance from their habitations, was not only productive of expence and inconvenience to parties themselves, but also to their *witnesses*—That, in addition to these evils, the numerous petty suits filed in the zillah and city courts protracted the decision of causes of more importance, and obstructed the general administration of justice—That, to relieve the courts from the trial of these petty suits—That, to afford the parties an opportunity of obtaining an adjustment of them without detriment to their private affairs, and to expedite the decision of causes of every description, rules have accordingly been enacted.

SECTION II. enacts that commissions shall be granted to Mahomedans and Hindoos in the several zillahs and cities, to try and determine suits for sums of money, or personal property, not exceeding in amount or value fifty sicca rupees.

The remaining sections of the regulation in question provide for the nomination, (specifying from what class of persons to be selected,) and appointment of these Commissioners—conduct of Trial of Suits by—rules prescribed to, in their capacities of Amcens and Arbitrators—Decisions passed by—Appeal to lie to the Judge of the zillah or city from—Monthly Reports to be transmitted by, &c. &c.

Thus by the Regulations of 1793, which have been now particularly noticed, a regular series of Courts was established. To begin with the last mentioned—The Court of the Native Commissioner, who had cognizance of petty causes not exceeding fifty rupees—The Court of the Judge, (single.) established in each zillah or city, having cognizance of all civil suits in the first instance*—The Courts of Appeal established in the four different provinces, each consisting of three Judges, with appellate jurisdiction from the decision of the Zillah Judges—The Native Supreme Court, or Suder Dewanny Adawlut, established at the Presidency, to receive and determine on appeals from the Provincial Courts.

The preamble to REGULATION VII. 1793, (for the appointment of *Vakeels*, or native pleaders, in the Courts of Civil Judicature,) observes Mr. Harington in his ANALYSIS, sets forth, at length, the general disqualifications of the persons before employed occasionally or professionally as pleaders,

* By Section 6, Reg. XIII. 1793, (afterwards rescinded by Sec. 2, Reg. VIII. 1794,) the zillah and city judges were empowered to authorize the *Registers* of their respective courts to try and decide suits for money and land, amount or value not exceeding 200 rupees ; the decrees so passed not to be considered valid, unless countersigned by the judge to denote his approbation of them.

who by their ignorance of the Laws and Regulations, and imperfect knowledge of judicial proceedings, as well as their being liable to collusion and intrigue with the ministerial officers of the courts, impeded and prevented, instead of aiding and promoting, the speedy and impartial administration of justice. The people in general were, it was observed, necessarily precluded by their pursuits and occupations in life from attending the Courts of Justice, or acquiring a sufficient knowledge of the Laws and Regulations to enable them to plead their own causes*. It was therefore necessary that the pleading of causes should be made a distinct profession ; and with a view to induce men of education and character to undertake the office of pleader, to prevent their being deterred from pleading the causes of their clients with becoming freedom, and to ensure integrity and fidelity in the execution of their duties, that their appointments should be secured to them as long as they conform to the regulations prescribed for their guidance ; also that they should be entitled to receive a fixed and liberal compensation, proportionate to the amount of value of the cause of action in the suits wherein they might be employed. It is unnecessary to detail the rules enacted for the above purposes in the regulation in question,—(viz. VII. 1793,) that regulation, and the provisions of many subsequent ones (relating to the same subject) having been rescinded by Section 2, Regulation XXVII. 1814, ‘for reducing into one Regulation, with amendments and modifications, the several rules which have been passed regarding the office of Vakeel in the Courts of Civil Judicature.’

* That on every occasion of life every man should be its own lawyer, is plainly impossible. In many instances, want of talent, in any instance, want of time, may suffice to render it so. But on this point, as well as on others, the further the sense of independence can be carried, the better ; no man can have a lawyer at all times at his elbow.—*Bentham on Codification.*

REGULATION XV. 1793, contains the rules enacted for regulating the rates of interest upon loans past and future,—rates to be decreed by the courts—rates of interest to be allowed on mortgage bonds for real property executed prior to, on, or after the 28th March, 1780.

REGULATION XVI. 1793, provides for the reference to arbitration of suits concerning disputed accounts, partnership's debts, doubtful or contested bargains, or non-performance of contracts.

REGULATION XLVI. 1793, (since rescinded by Sec. 2. Reg. XXVIII. 1814,) contains rules for admitting persons of certain descriptions to sue in the Courts of Civil Judicature as *Paupers*.

REGULATION XLIX. 1793, (for preventing affrays respecting disputed boundaries,) authorizes a summary cognizance and process by the Civil Courts in cases of forcible dispossession from land or other property, for immediate recovery of possession, leaving the dispossessor to prefer his claim to the property in dispute by a regular suit in the Dewanny Adawlut.

In concluding, observes Mr. Harington, the recital of the provisions made by the existing Regulations for the administration of civil justice, it is impossible to withhold the acknowledgment due to the benevolence, equity, and policy, which have dictated them; with such evident attention to the interests of humanity, the rights, laws, and prejudices of the people inhabiting this portion of the British empire, and the surest as well as the most honourable means of maintaining that empire in India, by establishing it upon the solid foundations of justice, protection, and conciliation. In the simplicity of the form of action allowed in all cases, varying only as regular or summary, as well as in the general tenor of the rules prescribed for the pleading, trial, and decision of every suit cognizable

by the Civil Courts, and determinable either by specific law, or on principles of reason and equity ; the intelligent regard shewn to local circumstances affecting the judicial officers, as well as the suitors, and their pleaders, is equally conspicuous. If, notwithstanding the number of Civil Courts which have been established, the means afforded for the speedy investigation and decision of inconsiderable causes by the establishment of Native Commissioners as well as in suits to a larger amount by the references authorized to the Registers of the zillah and c'ly courts, it should still be found that *the laws are not administered with that promptness, certainty, and facility which are required to ensure their full beneficial effect, it cannot be doubted that experience will suggest further remedies to supply this radical defect, and that such measures as may be practicable, expedient, and sufficient for this purpose, will be adopted.* If any thing be wanting to secure the integrity of the Native Commissioners, who now receive no fixed salary, and to whom the fees allowed on causes decided by or adjusted before them, afford in many instances but a scanty and inadequate compensation, after providing for their necessary establishments and charges of office, it may also be confidently presumed, that so essential a requisite to the *purity, impartiality, and consequent utility of every judicial establishment, which has been wisely and liberally granted to the present European Courts of Judicature, will not be denied to those under native superintendence.* These observations, however, are not so much intended to apply to any known abuses of a general or important nature, in the subsisting inferior Courts of Civil Justice; or to any defects now unprovided for in the superior Courts, as to obviate the force of the only objections which have been, or can be, offered to the adequacy and efficiency of the judicatures actually estab-

blished, in accomplishing the just and humane design of their institution, and of the rules which have been framed for their guidance.'

'Were a stranger,' it is justly observed by General Leith, 'a native of some foreign land, to take up *the original Code of 1793*, he would be forcibly struck with the solicitude with which it provides for the protection of the native, the general spirit of equity which it breathes, and *the clear and dignified language in which it is conceived*. He would pronounce these to be the laws of a great nation, who, free in their own country, were worthy to rule in that of others.'

That the Code of 1793, (which 'regarded as a whole,' may be justly pronounced 'the fairest monument to British virtue,') has not been productive of the great and 'inestimable benefits' contemplated by its illustrious and benevolent author, is, in my humble opinion, attributable to causes other than original defects in the plan itself. The chief of those I conceive to be—1. That little or nothing has yet been effected for the diffusion of the blessings and light of education amongst *the bulk of the people* themselves, to redeem them from the 'state of demoralization in which the greater portion of the native population are confessedly plunged,'—to elevate them in the scale of humanity, and especially to improve (more especially in regard to ~~and~~ their moral character.—2. That the supply of European functionaries has been all along inadequate *in point of numbers* to meet the demand, as required (for the due administration of justice) by Lord Cornwallis's admirable system.—3. That *the degree of official aptitude* necessary for the discharge of the arduous and important duties of the Judicial Department, *has not been sufficiently maximized*. Since my arrival in India, (now nearly a quarter of a century,) I am not aware that any other degree of qualification has ever been exacted from Junior Civil Servants about to

enter the Judicial branch of the service, than a very moderate knowledge of two of the native languages, attainable with ordinary diligence in a period of six months.

That to be conversant with the language in current use in the country, and in the Courts of Judicature, should be insisted on as *one* indispensable qualification for individuals entering the judicial line, is of course most essential; but that it should be made the *only one*, appears ‘a grievous fault.’ ‘Another consideration,’ observes the able and luminous author of the History of India, Mr. Mill, ‘which ought to be impressed upon the minds of *those who have it in their power to amend the legislation of India*, is, that well to perform the service of a Judge, skilfully to extract, and wisely to estimate every article of a complicated mass of evidence, not only peculiar experience, and that acuteness and dexterity which are acquired by habitual practice, are of the greatest importance, *but also an enlightened acquaintance with those general principles regarding law, and the administration of justice, which have their foundation on the general laws of human society, and which ought to run through, and form the ground-work of the laws of all nations*. In a situation where the body of law is complete and well adapted to its ends, the absolute necessity is not so great for this species of knowledge in the judge, because he has rules for his guidance in every thing. He has few rules for his guidance in India, *where every judge must in a great measure be the rule to himself*. Here, it is evident, he has the greatest possible occasion for the guidance of those general principles which an enlightened education alone can give. *The youth who is destined to the great and delicate duties of a judge in India, cannot be too carefully disciplined in that philosophy which gives the best insight into the principles of human nature*—which most completely teaches the ends

which the administration of justice has it in view to accomplish, and the means which are best adapted to the ends. *If those on whom the legislation for India depends are in earnest for the establishment of a good administration of justice, a good education for Judges is one of the first reforms they will undertake.* This reform too will be without difficulty, because all that is wanting is a good choice of means.'

Reserving for a further communication the analysis of the Judicial Criminal, and Revenue Regulations of 1793, I shall conclude at present by citing the opinion of (one of the most efficient, upright, and able Judges that ever adorned the Indian Judicial Bench,) Mr. COURTNEY SMITH*, on the general system as established by Marquess Cornwallis.

'The *system* of LORD CORNWALLIS provided for the gradations through which a servant passed to the office of Judge and Magistrate. He was first Assistant to a Collector, then a Register and Assistant to a Magistrate—then a Collector—then a Judge and Magistrate. By this time, if he was not of that wood from which it is impossible to make Mercuries, ('ex quovis ligno non fit Mercurius,') he had become a man of large experience, mature judgment, and of a subdued and disciplined temper. These qualifications were every moment of service to him in the office of Judge and Magistrate, in both of which they are in truth indispensable; and in his capacity of Judge he found the knowledge he had acquired of Revenue in the Collector's Department, of the greatest assistance in the decision of civil suits, which in this country are two-thirds of them immediately or remotely connected with revenue. *This highly useful gradation* continued till the extinction of the Corn-

* Circuit Report, by the 2nd Judge of the Benares Court of Circuit, Mr. C. Smith, Dec. 15, 1815—brother to the Rev. Sydney Smith.

wallis school, that is, to the end of Sir George Barlow's government. The management of the judicial system then got into other hands, and, in my humble opinion, has been upon the decline ever since.

' None of the *systems* which have lately been proposed appear to me to be improvements upon that which exists. On the contrary, I think them calculated to carry us back to the days of ignorance, darkness, intricacy, uncertainty, corruption, and oppression. Of *one* of these plans, it is the object, to restore a system of short and cheap injustice, as preferable to one of protracted and expensive justice, *confessing hereby inadvertently, though most truly, that all the justice is on the side of the system which is to be abolished.*

' *I think the outline of LORD CORNWALLIS's system incomparable:* and conceiving it to be deformed and overloaded by the appointment of the fourth Judge (of Appeal), I strongly recommend that the number be again reduced to three; and that the saving be made a fund for the creation of a new Sudder Dewanny and Nizamut Adawlut, consisting of three Judges, to be stationed at Allahabad*, and to have the same powers over the Provinces of Bareilly, Benares, and Behar, which are now possessed by the Calcutta Sudder Courts over all the provinces depending on the Presidency of Fort William. I would recommend, that the original jurisdictions of the Appeal Courts be either wholly done away, or limited to causes exceeding ten thousand rupees, calculated according to the old calculation prescribed in Section 3, Regulation IV. 1793.

' By this arrangement, we should avoid in a great degree the eminent danger of clashing decisions, all of equal authority; we should escape the incalculable evils which arise from the trial of suits in the first instance, at such a distance from the place where the cause of action arose, and whence all the

* A measure since adopted—in 1831.

proof is to be supplied; and we should give life and vigour to the judicial system in the Upper Provinces, by the proximity of a court of final and supreme jurisdiction. The present Sudder is scarcely felt in these provinces; its prompt interference is impracticable; and from its vast distance and consequent ignorance of every thing local, it may be doubted whether its interference, when it does take place, is not more prejudicial than useful.

'Our system has been much injured by the scribbling of dreamers, and theorists, and drivellers,—men who if they had applied themselves to the real original business of their situations, might have prevented or remedied half the evils which they delight to paint in such gloomy colours. A severe regulation against long reports, elaborate minutes, and ingenious projects, would be of excellent effect. The true spirit is "a Judge is his court, and his true language, that is understood by the natives. With English he should be willing to do, beyond penning a few occasional dry, short, simple letters of business, upon matters which, from usage or circumstances, cannot well be conveyed in any other tongue."

I am,

Sir,

Your obedient servant,

March 25, 1832.

P. M. W.

LETTER X.

'I must have some talk with this learned Theban.'

To the Editor of the India Gazette.

SIR,

I have much pleasure in taking up my pen to reply to the remarks contained in the letter of your correspondent SUTCH

BAUT*, (no disciple, I perceive, by the orthography of his signature, of that worthy but voluminous author, Dr.

* *To the Editor of the India Gazette.*

SIR,

I read with much attention whatever appears in your valuable paper on this subject; and with reference to P. M. W.'s last letter, dated 25th ultimo, in your print of to-day, I shall offer to your consideration the following observations:

Your correspondent should be aware that the major portion of those who will read what he writes, and all those who will bestow their particular attention on this important question whenever discussed, are those who are acquainted with the regulations, who have them in their possession, and who therefore need only a very brief reference to those parts to which your correspondent desires to draw their attention. Is it not, therefore, advisable that your correspondent should increase the interest of his essays, by abridging much more than he does, his quotations from the regulations?

Perhaps you can reconcile what appears to me to be an inconsistency.

Your correspondent first insists upon the absolute necessity for Indian Judges being educated after the manner that English Judges are, and he ascribes to the absence of such preparatory education the degree of official *inaptitude* of the present Judges for the adequate discharge of the arduous and important duties of the Judicial Department. Yet, without affording any explanation, your correspondent in the sequel tells you, that Mr. Smith was "one of the most efficient, upright, and able Judges that ever adorned the Indian Judicial Bench;" (his great usefulness was notorious, but that he was ornamental is, I believe, for the first time asserted;) and he quotes largely from one of Mr. Smith's session reports in proof, that according to Mr. Smith's opinion, Lord Cornwallis's system provided a sufficient judicial education, and that the gradations through which a public servant passed to the office of Judge and Magistrate under that system, viz. first assistant to a Collector, then a Register and Assistant to a Magistrate, then a Collector, then a Judge and Magistrate, would make him a man of large experience, mature judgment, and of a subdued and disciplined temper.

Had Mr. Smith, whose opinion is entitled to the highest deference, thought there existed any necessity for our "*Indian Judges*" having what

Gilchrist,) in as much as his communication is a proof that there are *some* who take an interest in the very important subject which it has been the object of my letters to bring to notice.

is considered to be an English law-education, or that such an education was required to remove "*official inaptitude*" for the adequate discharge of the arduous and important duties of the Judicial Department, he would never have withheld this opinion, much less have stated one which has no reference to it, for it was one of Mr. Smith's many official merits, that he never abstained in his official writings from the most unreserved expression of his sentiments, even though he knew it would be prejudicial to his interests.

Mr. Smith was aware that the laws of England are voluminous, abstruse, and embarrassed with technicalities to the last degree; and that they were purposely thus contrived, to make a knowledge of them only attainable after long continued professional study. No one knew better than Mr. Smith, that the regulations of the Government are no less remarkable for the pure spirit of equity which pervades them than for their clear and simple diction. He knew that it is peculiarly the character of Lord Cornwallis's Code, that it presents no difficulties to the public servants who are to administer it, nor to the natives generally (for whose benefit it has been translated into the native languages), whose interest it is to comprehend its principles and policy. It was after twenty-three years' experience that this highly-gifted Judge declared that the gradations of Lord Cornwallis's system, if observed, could not fail to form a Judge of large experience, mature judgment, and of a subdued and disciplined temper.

The opinion given by Mr. Smith as to the course of education sufficient for an "*Indian Judge*" may with great safety be considered unquestionable. I agree with him in opinion, that the outline of Lord Cornwallis's system is incomparable, and I declare, after very long practical experience and close observation, that every deviation from that system has been a failure; but all failures and experiments hitherto made will, in their consequences, appear to have been quite unimportant when contrasted with what will be the melancholy condition of this country, if ever it should happen, that English law and English lawyers constitute the only means by which the judicial government of this country is to be conducted.

I can conscientiously state that *one* motive by which I have been actuated in making the columns of your valuable paper the medium of the—I can hardly as yet call it—discussion, has been to elicit the opinions of individuals employed in the Judicial and Revenue Departments on the matter in question, more especially as to the ‘modus operandi’ regarding which I stated my own views in my first letter. That numerous individuals are to be found in those Departments highly qualified for the task, no one can doubt, though it is to be lamented that the *Ixionic* hour of daily official avocation leaves but little leisure for *thinking*, even where the most important improvements might be effected by the process.

To proceed with my reply—and first as to the length of the quotations from the Regulations (of 1793) themselves.

Unquestionably, I am aware that the major portion of those who will be inclined to read what has been, or may be written, and who will bestow their attention on this important question, are those who are acquainted with the regulations, who have them in their possession and for whom therefore a very brief reference would suffice. The letters, however, which I have already written, I may observe, were not intended *exclusively* for the perusal and consideration of those in the Service, or in the judicial branch of it; and ‘your correspondent must be aware’ that there is a very large and numerous class of persons *out of* the Service, deeply interested in the Regulations, to whom the massy volumes which contain them, *have not been*, and *are not* to this day, acces-

Observe, Mr. Editor, I have the highest respect for the talents, and integrity, and impartiality of our English Judges, but neither the natives nor this country are sufficiently civilized for the luxury of English law, nor are they now, whatever they may have been, opulent enough to afford so costly an enjoyment.

Your obedient servant,

31st March, 1832.

SUTCH BAUT.

sible. Nay, such was the difficulty a few years ago only, before the republication of them at the Baptist Mission Press, that I remember a complete set was not obtainable at all in the highest native tribunal of the country, and that the business of the then Officiating Judge of the Sudder Dewanee Adawlut (Mr. C. Smith) was brought to a stand for want of the same, until he obtained them by special application to the office of the Secretary of the Judicial Department. Doubtless they are now procurable at the Missionary Press, but the expence is to many a serious objection. To the individuals above alluded to, the information afforded by ample quotations from the *preambles* of Lord Cornwallis's Code, developing the soundest and wisest principles, would not be without its interest; but it is not merely on this account, that I have dealt hitherto so largely in verbal citations from the Regulations of 1793. It is, Sir, because I agree with your correspondent, that *every deviation* from Lord Cornwallis's *system has been a failure*, including, I will add, (and I believe I am far from being singular in my opinion,) that most material deviation of all—the death-blow which was given to that system by Regulation I. 1829*.

'Contingent errors creep into every system, and from being suffered to remain, come in time to be regarded as integral parts of it. No institution can be long preserved from decay, but by often reverting to its original principles, and marking where these have been departed from.' It was my intention, in proceeding with the historical sketch of the regulations enacted up to the present time, to mark the material deviations which I conceive to have been made from the principles laid down by Lord Cornwallis that rendered it (in my opinion,) important to dwell at length upon them; and it would have been, I consider, no less arrogant, than unjust

* 'A Regulation for the appointment of Commissioners of Revenue and Circumstances.'

to his memory, to have detailed them otherwise than in that illustrious statesman's own admirable language.

The eulogy pronounced by your correspondent on the Regulations, 'No one knew better than Mr. Smith, that the regulations of the Government are no less remarkable for the pure spirit of equity which pervades them, *than for their clear and simple diction;*' is, I presume, intended to apply particularly to the Code of 1793—if so, I concur with him in the expression of that opinion.

To complete the analysis which I have attempted of the regulations of *that* Code, the JUDICIAL, (*Criminal,*) and the more important Revenue ones, remain to be noticed in a future letter; but hereafter, I shall gladly avail myself of the hint offered by your correspondent, and be more sparing in my quotations from the Regulations themselves.

In regard to many—*too many*, enacted in subsequent years, much *option* will indeed not be left to me. What is there to quote by way of *reason or reasons* for the enactments—‘Whereas it is expedient.’—(See more especially from 1814 to 1825.)

‘The Spanish fleet thou canst not see,
Because—it is not yet in sight.’—

Moreover, I am aware, that if (on such a subject as the present) *information* be one requisite, a second, and scarcely a less important one, is ‘compression.’—With respect to quotations from other authors, who have already written on the subject in question, viz. the necessity of a Judicial Code, I have only to observe, that I considered it more important and germane to the matter to bring under opposite branches of the subject, the opinions of such men as Mr. Mill, Mr. Miller, and others, than as yet to introduce my own. I regret, that in the only instance in which I have so done, I have been misinterpreted by your correspondent. He states, that ‘I first insist upon the absolute necessity of Indian

Judges being educated after the manner that English Judges are, and that I ascribe to the absence of such preparatory education the degree of *official inaptitude of the present Judges for the adequate discharge of the arduous and important duties of the Judicial Department.* I beg in the first place to disclaim most distinctly having intended to cast any such imputation upon the individuals in question; and in the next, to deny that any thing contained in my letter of the 25th ultimo admits, when fairly construed, of that interpretation.

The Civil Servants employed in the administration of justice (who have not been promoted to the office of Commissioner under Regulation I. 1829, or to the Courts of Appeal)—the Judges in those districts where the office of Judge and Magistrate has been disunited—the Judges and Magistrates where the offices in question have not been dissociated, are, for the most part, of nearly twenty years' standing, (according to the *East India Register*,) and of fifteen, sixteen, seventeen years' actual residence in the country. After the experience *they have acquired* in the course of the discharge of their official duties, to impute to *them* individually, disqualification, or inaptitude for the performance of their important functions, would be as unfounded as unjust. Were it not invidious to *name*, it would not be difficult to mention *those* within the circle of individual acquaintance, and in districts not very remote from the Presidency, who have proved themselves (from their experience, talents, and published works connected with their duties) most valuable officers in the Judicial Department; and accordingly in a short letter to your address, and published in the *India Gazette* of the 19th December last, I stated my opinion that one Judge of each of the Provincial Courts of Appeal—several of the Commissioners of Revenue and Circuit, as well as of the Judges and Magistrates of the City Courts, ought to be appointed Members of the *Legislative Committee*—that the Secretary, (or what-

ever his designation,) to the Committee, should be instructed to *invite their communications* on all points connected with the design, and to keep *them* duly and regularly informed of the progress of the works.

What I stated in my letter of the 25th ultimo was, that to exact from Junior Civil Servants about to enter the Judicial branch of the service, and to be vested on their immediate entrance, with the right of decision in grave matters affecting person and property—to exact a mere knowledge, (and that but very moderate,) of *two oriental languages*, was not in my opinion sufficiently to *maximize the standard of requisite qualification* for those about to be so employed.—To this opinion I still adhere.—Any allusion to, or insinuations against, the qualifications of individual members of the service *at present* judicially employed in the higher or subordinate stations in that department, I beg leave once for all, distinctly to disclaim.

The comprehensive and master mind of **LORD WELLESLEY** (*clarum et venerabile nomen*) saw and acknowledged, that ‘the early interruption in Europe of the education and studies of the persons destined for the Civil Service precluded them from acquiring, previously to their arrival in India, a sufficient foundation in *the general principles of literature and science, or a competent knowledge of the laws, government, and constitution of Great Britain*,’ as well as other qualifications essential to the proper discharge of the arduous and important duties of the Civil Service in India. Accordingly, he applied a remedy to the evil, and founded the College of Fort William. Of that institution *and the enlightened policy which dictated it*, more hereafter.

Your correspondent appears to take exception to my expression, that Mr. Courtney Smith was an ornament to, or as I stated it, adorned the Judicial Bench—his usefulness he admits.—That ‘highly gifted Judge,’ as is well known to many now in this country, who served in situations con-

ordinate with, and subordinate to him; (amongst the latter, I number, with pride and pleasure, myself,) brought to bear upon the discharge of his official duties not merely the whole vigour of powerful mental resources, but a classic and refined taste, and a highly cultivated understanding, such as it is rare to meet with in India. He was, to my mind, on the Indian Judicial Bench, what Sir W. Jones was on that of the Supreme Court. I submit still, that if not exactly 'ornamental,' he was an ornament to, or adorned the Judicial Bench—*'utrum horum, mavis accipe.'* The passage from his Circuit Report, which I cited in my letter of the 25th ultimo, was to shew the opinion which Mr. Courtney Smith entertained of Lord Cornwallis's system, *as a whole*, from which such material deviations have been making for years past, and against which (as in duty bound to do) *he raised his warning voice in vain.* I confess, that I do not consider the gradations therein indicated do provide a *sufficient* judicial education, independent of the qualifications alluded to by Mr. Mill, and already quoted in my last letter. Mr. Smith was, and is, of a different opinion.

Select Committee of the House of Lords, 5th March, 1830. C. Smith, Esq. 1047.—Q. Do you not think that it would be an advantage, that the education of a Judge in the Zillah Courts should be exclusively professional?—*A.* No, I do not see how it would be an advantage, that it should be exclusively professional; his knowledge of revenue, for example, is of great use. *It was always the case in Lord Cornwallis's time,* that 'he passed through the Revenue to the higher offices in the Judicial line—he became a Collector after having been a Register; then he went on to being a Judge, and it was thought his knowledge of revenue was of great importance, to his being an efficient Judge.'

Your correspondent deprecates the introduction or extension of English Law and English Lawyers into the Mysore.

sil. It is the duty of an impartial Judge to hear both sides.—Mr. Courtney Smith in his evidence before the House of Lords' Committee states, (Answer to Question 1023,) that 'in the interior they have a great aversion to the Supreme Court.' Sir Edward East—1367. You were understood to state your belief, that the natives would rather wish *the system of law as administered in the Supreme Court* to be extended; did you mean to confine that observation to civil causes, or to extend it to criminal also? A. I meant BOTH. Sir Edward East—1342. Q. The laws in those Provincial Courts, however, were administered by British Judges? A. They were, and it happened to me, while I was there, *to know many of them, and very eminent, excellent men, they were*, and I should say, that the principal difficulty they had to encounter, and to which *a remedy I think ought to be applied*, is that *when a man started in his early days, he had all his experience and his legal principles to acquire, and after having presided in the different courts of the Company for several years*, many a gentleman of great ability and integrity *has made himself a very excellent Judge*—but when he departed, which was at a time when his judgment and experience were ripened, *he left no successor to his knowledge behind him*; and the next person that was to go through those gradations and to come into his place, *had got to acquire all the experience again*, which I look upon to be the principal defect in that constitution. *Thereby men are not educated for the great and responsible situations they are afterwards to fill*—they have no means of attending to hear the judgments and to observe the course pursued by those persons who had already acquired experience, but, that experience dies or departs with the best Judges, and their successors have got to begin 'ab ovo' with acquiring the like.

I am, Sir,

Your obedient servant,

P. M. W.

LETTER XI.

'The Legislature has turned its attention to the defective state of our Code, and the anomalies of our judicial system, and various measures of reform are in contemplation, which to be efficient must be maturely weighed, frequently discussed, and subjected to the test of a minute and searching criticism.—The public mind is anxiously directed to the subject, and information is sought with avidity.'

Advertisement to the Jurist or Quarterly Journal of Jurisprudence and Legislation.

'The same desire long after did spring in the Emperor JUSTINIAN, who chose it for a monument and honor of his Government to revise the Roman Laws, and to reduce them from infinite volumes, and much repugnancy and uncertainty, into one competent and uniform corps of law, of which matter himself doth speak gloriously, and yet aptly calling it *proprium et sanctissimum templum justitiae consecratum*.—*Epistle dedicatory Lord Bacon's to Common Law.*

'The CODE NAPOLÉON will remain a monument of Bonaparte's glory, long after the fame of his victories shall have passed into oblivion. That Code, which is now travelling from North to South, from East to West, bids fair in its progress to make the circuit of the world. This book of Laws is an instance of *simplicity*, which is the perfection of legal wisdom. It is level to the capacity of every understanding, is applicable to states as despotic as that of Austria, and as vicious as those of Naples and Sicily.—*The Court of Chancery, by the Hon'ble W. L. Wellesley.*

'The project of Sir William Jones to obtain a Code, for the administration of Justice among the Hindus, with the authority of their own law-givers, was philanthropic and meritorious ; but the mode in which it was undertaken was injudicious. His plan was to employ the Brahmins totally unaided by European intelligence ; that is, to employ the lights of a people, still semi-barbarous, to compile a body of laws from the crude materials of old sayings, old poems, old practices, and old maxims, regarded as laws, when it was in his power to have applied all the mental powers of European knowledge and civilization.'

Edinburgh Review, vol. xvi. 1810; p. 187.

To the Editor of the India Gazette.

Having completed the Analysis of the Code of 1793. it remains to notice the Judicial Regulations, subordinate division, Criminal, and those in the Revenue Department,

enacted in that year. In so doing, I have duly before my eyes the advice of your correspondent SUTCH BAUT, and shall on the present occasion content myself with briefly referring to the regulations in question, rather than indulging in any elaborate quotations from them. The JUDICIAL, *Criminal* Regulations passed in the year 1793, were three in number, viz. Regulations IX. XXII. XXIII. The first (Reg. IX.) was entitled "a Regulation for re-enacting, with alterations and modifications, the regulations passed by the Governor General in Council on the 3rd December, 1790, and subsequent dates, for the apprehension and trial of persons charged with crimes and misdemeanors.—The Preamble recites the different regulations which had been enacted, and measures adopted with that view since the year 1772, when Criminal Courts, denominated Foujdaree Adawluts, were established in the provinces, for the trial of persons charged with crimes and misdemeanors, and those adawluts placed under the superintendence of the Collectors of the Revenue. It then proceeds to state, That by the same regulations a separate and superior Criminal Court was established at Moorshedabad, under the denomination of the *Nizamut Adawlut*, for revising the proceedings of the Provincial Courts, in capital cases, (and over this court again the Committee of Revenue of Moorshedabad was vested with a control).—That upon the abolition of that committee, the Nizamut Adawlut was removed to Calcutta, and placed under the charge of a superintendent or *Daroga*, subject to the control of the President in Council.—That the above arrangements continued in force until 1775, when the entire control over the department of Criminal Justice was committed to the *Naib Nazim*.—That the Nizamut Adawlut was re-established at Moorshedabad, and by and subordinate to him (the Naib Nazim), native officers, denominated *foujdars*, appointed to superintend the Criminal Courts in the several districts.—That in 1781, the establish-

ments of both foudars, (and thanahdars, acting under them,) were abolished.—That Foudarry Courts however were continued in the several divisions, subject as before to the control of the Naib Nazim, and the English Judges of the Courts of Dewanny Adawlut appointed Magistrates.—That for the superintendence of the administration of justice in criminal cases, a separate department was established at the presidency, under the control of the Governor General; and for his assistance a covenanted Civil Servant appointed with the official appellation of Remembrancer to the Criminal Courts.—That under this system the administration of justice was much impeded, from the inefficacy of the authority of the English Magistrates over the zemindars, and the necessity of their (the Magistrates) delivering over for trial to the Darogas, all persons charged with offences however trivial.—That the Magistrates were, therefore, in 1787, vested with authority to hear and decide on complaints for petty offences, and to inflict corporal punishment, and impose fines on the offenders.—That the numerous robberies, murders, and other enormities, which continued to be committed, evinced that the administration of criminal justice was still in a very defective state, and that certain regulations were accordingly passed by the Governor General in Council in 1790, establishing Courts of Circuit, under the superintendence of English Judges, assisted by natives versed in the Mahomedan law, for trying in the first instance persons charged with crimes and misdemeanors; and enabling the Governor General and the Members of the Supreme Court to sit in the Nizamut Adawlut, which was again removed to Calcutta, and to superintend the administration of criminal justice throughout the provinces.—That those regulations, with the subsequent amendments, were now enacted with alterations and modifications.

The 2nd Section of the Regulation (IX. 1793) declared the Judges of the Zillah and City Courts to be

Magistrates in their respective jurisdictions, and prescribes the oath of office.

The 3rd Section defines their jurisdiction.

The 4th and other Sections, down to the 11th, enumerate their duties.

The 12th to the 18th Sections relate to the periodical visits of the Courts of Circuit, the calendars and documents required to be submitted to them by the Magistrates, with a special rule regarding the commitment of proprietors of land.

The 19th Section refers to the committing of crimes by British subjects, and by Europeans not British subjects, without the jurisdiction of the Supreme Court.

The 20th and 21st Sections regard the management of Jails, and the remaining ones relate to miscellaneous matters, and to the transmission of monthly and other periodical reports to the Nizamut Adawlut, which it is unnecessary to describe in detail.

Regulation XXII. 1793, is entitled; a Regulation for re-enacting with alterations and amendments the regulations passed by the Governor General in Council on the 7th December, 1792, *for the establishment of an efficient police throughout the country.*—The Preamble, after adverting to those regulations, declares them re-enacted with alterations and amendments.

By the 2nd Section, the Police was declared to be under the exclusive charge of native officers (Darogas or thanadars), appointed by Government, and the land-holders and farmers of land were exonerated from the charge of keeping up police establishments.

By the 3rd Section, land-holders and farmers of land were not to be held responsible for robberies, except in particular cases specified.

The 4th Section divided the different districts into police jurisdictions, and defines their extent.

The 5th Section relates to the numbers and designations of the police jurisdictions, the 6th to the nomination and removal of the thanadars, and the security to be given by them previous to appointment.

It is less necessary to follow out this Regulation in detail, inasmuch as many of its provisions have been rescinded by Regulation XX. 1817, being a Regulation for 'reducing into one Regulation, with amendments and modifications, the several rules passed for the guidance of darogahs and other subordinate officers of police, &c.' and other parts of its enactments were again rescinded by Regulation XXII. 1817, some also by Regulation XIII. 1814, and Regulation VII. 1811.

It is also unnecessary here to offer any observations upon the utter inefficiency of the Thanadaree system as exemplified by experience, the same having been fully developed in '*Crawfurd's Letters from British Settlers in the interior of India,*' and such practical remedies suggested by the writer of the *Remarks* on those Letters, as appeared to him (after some local experience and meditation on the subject) calculated to mitigate, if not remove the evils complained of.

The remaining Regulation XXIII. (1793), was entitled a Regulation for raising an annual fund for defraying the expence of the police establishments entertained under Regulation XXII. 1793; but this Regulation (XXIII.) having been bodily rescinded by Section 2, Regulation VI. 1797, no further notice of it in this place appears necessary.

The regulations passed in the REVENUE Department, in the year 1793, amount (exclusive of the salt and opium) to 24 in number, and any thing like a detailed examination of each of those Regulations would be to tax too severely the limits of your columns and the patience of your readers. A numerical Analysis of them has been already given in

Letter VII. (p. 44) and being now desirous of collecting together the several letters which I have at different times addressed to you on this most important subject of CODIFICATION, and of reprinting them in a separate shape for distribution to, and the perusal of those, who in India, and in England, take an interest in the accomplishment of so great a desideratum, I gladly avail myself on the present occasion, of the advice of your correspondent *Sutch Bant*, already alluded to, and beg to refer merely to the Revenue Regulations themselves, classified under their subordinate heads, and enumerated in the letter already cited

By the great, the important Regulation I. 1793, Department REVENUE, subordinate division *Land*, the property in the soil was declared in Bengal, Behar, and Orissa, to be vested in the Zemindars or land-holders, and the revenue payable by them to Government, fixed for ever.

It would be foreign to the purpose of these letters to enter upon the '*verata questio*,' or comparative review of the Zemindarry and Ryotwaree systems. Enough, more than enough in the opinion of many, has been written (if not read) on the subject.

The Permanant Settlement, by fixing the demand on land, has unquestionably encouraged the extension of cultivation, increased the wealth of the zemindars, and in many instances promoted the welfare and prosperity of the ryot. It has rendered the land-tax sure, and easy of collection, and reduced the expense of the Civil Establishment.

" Let those, (it has been truly observed, in an able official and printed report, which reached the Presidency in the course of last year, from the Western Provinces:) " Let those who see evils in *that* measure, compare the condition of the beautiful provinces now under the influence of it, either as respects cultivation, or the comfort of the inhabitants generally, with the state of those parts of the British

territories where the much-lauded native system of temporary settlements (and therefore real Government property in land) still prevails, and then let them pronounce whether the great Creator of private property in land in India deserves to be commemorated by the Statue now standing in the Town Hall of Calcutta, or to be branded as the author of a measure of pure and unmixed evil."

The inscription on the pedestal of that Statue records as follows :

"In honor of the Most Noble Marquis Cornwallis, K. G. Gov. Gen. of India from September MDCCCLXXXVI. (1786) to October MDCCXCIII (1793); who, by an administration uniformly conducted on the principles of wisdom, equity, and sound policy, improved the internal resources of the country, promoted the happiness of its inhabitants, conciliated the friendship of the native powers, confirmed the attachment of the allies of the Company, and established the reputation of the British name in Hindoo-stan, for good faith and moderation, by fixing in perpetuity the public demand for the Landed Revenue. He gave to the proprietors of the soil for the first time a permanent interest in it, and by the formation of a Code of Regulations for every Department of the Government, he bestowed on the natives of India the benefit of a constitution and security, before unknown, in the enjoyment of their rights and property."

I shall conclude this letter with an extract from an able periodical Publication* relative to the Progress of Codification in America, as I consider it to contain several valuable hints, which might be made available in the course of the accomplishment of the useful and important work which it has been the object of these letters to promote.

“ The practicability and usefulness of reducing the whole body of the common and Statute law, including the system of Equity, to a written text, has been recently much discussed in America. The great variety of the sources of our jurisprudence, its complexity, constantly increasing with the multiplication of new laws, and new adjudication upon the old—‘*immenso aliarum super alias acervatarum legum cumulo*’—the inherent uncertainty of all unwritten law, depending on conflicting precedents and analogies, have forcibly impressed the public mind with the desirableness of such a work.—The nearest approach which has yet been made to such an attempt in any of our states, whose jurisprudence is derived from the common law of England, is the revision which is now being made of the Statute Laws of New York. By an act of the Legislature, passed in April, 1825, Commissioners were appointed to revise and consolidate the Statutes of that state, upon a plan approaching to that of a CODE. By the provisions of the Act, the Commissioners were authorized to revise all the written laws of the state, to *consolidate all acts and parts of acts relating to the same subjects, to distribute them methodically, under proper titles and divisions,* to suggest the best mode of reconciling apparent contradictions, supplying defects, and amending what required alteration—to *designate what ought to be repealed, as mischievous, or useless,* and to recommend the passing of such New Acts, as might be expedient or necessary to complete the System;—finally, to complete the revision, in all other respects, in such a manner as they might deem best adapted to render the laws more plain and easy to be understood. Under the authority thus given to them, the Commissioners have made a classification of the laws to be revised under the following general divisions :

“ 1. Those which relate to the territory, civil polity, and internal administration of the state.

“ 2. Those which relate to private rights, or what is commonly included in a *Civil Code*.

“ 3. The judiciary establishments and civil procedure.

“ 4. Crimes and punishments.

“ 5. Local laws and municipal incorporations.

“ *These were again subdivided into chapters, titles, articles, and sections,* according to a scientific arrangement of the matters included in these different subdivisions, &c.

“ In drawing up the text, the great object in view was to free it from inconvenient verbosity, to distribute it into short sections, each containing a single proposition, to avoid as far as possible all ambiguities of expressions, and by simplifying the language to render it more clear, precise, and intelligible.”

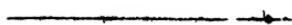
I am,

Sir,

Your obedient servant,

P. M. W.

ON THE
TERRITORIAL GOVERNMENT
AND
COMMERCE
OF THE
EAST INDIA COMPANY.



LONDON:
JOHN MURRAY, ALBEMARLE STREET.

—
MDCCXXIX.

LONDON :
Printed by WILLIAM CLOWES,
Stamford-street.

N O T I C E.

THE following Observations on some of the late publications on Indian Affairs were prepared for insertion in one of the Reviews, and are now published, without alteration of form, separately, as the examination which they contain of the arguments of the opponents of the East India Company seemed called for by the present state of the India Question, without incurring the delay that would have attended an execution of the first intention, or a change into the more suitable character of an Essay by an individual.

The Author has, under these circumstances, to apologize for the continued use of the pronoun in the first person plural,—a privilege which he is quite aware belongs exclusively to the Majesty of the Periodical Press.

Publications adverted to in the following Pages.

Report of the Proceedings at Liverpool.

India, or Facts submitted to Illustrate the Character and Condition of the Native Inhabitants. By R. Rickards, Esq.

Remarks on several recent Publications regarding the Civil Government and Foreign Policy of British India. By Thomas Campbell Robertson, Bengal Civil Service.

Selections of Papers from the Records of the East India House. Printed by order of the Court of Directors.

Observations on the Law and Constitution of India.

A View of the Present State and Future Prospects of the Free Trade and Colonization of India.

Reflections on the Present State of British India.

Substance of a Speech by W. W. Whitmore, Esq., M.P.

THE
TERRITORIAL GOVERNMENT,

&c. &c

IN the course of the last session of Parliament, although somewhat prematurely, the important question of the maintenance or extinction of the East India Company's exclusive privileges has been mooted before both Houses of Parliament, while the presses of the printer, and the benches of the lecture-room, have been fully occupied in diffusing information, and captivating public opinion upon these subjects. One gentleman pledged himself in January last, that 'if the inhabitants of Liverpool but gave him the example of their cordial support, he would perform a pilgrimage through every city, town, and village of the kingdom, until, like another Peter the Hermit, he succeeded in raising one universal crusade against this unholy compact of civil despotism, commercial monopoly, and the inhuman sanction of murderous sacrifices, and all the other abominations of idolatry, from which the East India Company derive a portion of their guilty and unhallowed gains.' This passage is found in a letter signed J. S. Buckingham, very properly too, considering its belligerent tendency, dated from the Waterloo Hotel, Liverpool. We will not dispute the justice of the comparison made by the gentleman of himself to Peter the Hermit; he certainly seems to speak with all the ~~genuine~~ favour, if he possess not the inward conviction of ~~the~~ ^{his} enthusiasm; of this, however, we are quite sure, that ~~those~~ ^{who} place themselves under his personal guidance, will run the risk of encountering disasters and disappointments, as far as the circumstances permit, to those who attended the multitudes who followed the hermit. Those who take this ~~method~~ ^{advice} are animated by a spirit of personal hor-

tivity to the East India Company, very naturally address their oral, and written declamations, to the mercantile class of the community, which is ever anxious to seize any new opening for the employment of capital, and for the exercise of commercial enterprise, though that employment and that enterprise should be limited to a single attempt, and even be attended with some risk of absolute failure. In these days, however, of extended views on all subjects, and of diffusive philanthropy, the simple avowal of mere mercantile speculation would not be tolerated, and it is therefore necessary to represent the system under which the government of India has been administered by the East India Company, as highly oppressive to the natives of that country, and therefore as disgraceful to the character of the British nation. The lecturers and pamphleteers therefore, like the 'furiarum declamators,' described by Petronius, exclaim, 'Hæc vulnera pro libertate publica excepti, hunc oculum pro vobis impendi: date mihi ducem, qui me ducat ad liberos meos, nam succisi poplites membra non sustinent.' We agree with the Roman satirist, that 'Hæc ipsa tolerabilia essent, si ad eloquentiam ituris viam facerent: nunc et rerum tumore, et sententiarum vanissimo strepitu, hoc tantum proficient, ut quum in forum venerint, putent se in alium terrarum orbem delatos.'

It shall be our endeavour to treat the subject more dispassionately, and to direct our readers to such sources of information as seem best calculated to give sound and unprejudiced views on questions involving the welfare and tranquillity of a vast empire, appended to Great Britain by relations so peculiar, as to find neither precedent nor parallel in the history of the world. The points for examination are, first, the administration of the government in India; secondly, the state of trade with that country; and thirdly, the monopoly of the trade to China possessed by the East India Company. Upon the determination of these points must rest the expediency of renewing the charter of the East India Company on terms similar to those now existing, or the alternative measure of assuming the executive government of the Crown, and throwing the whole trade to the East open to the nation at large. Looking at the question thus broadly, it will appear

sible not to feel that the commercial decision, the part more interesting to the opponents of the East India Company, and we may perhaps add to the English public, is incomparably the least important in itself. The fate of an empire exceeding in population any in the habitable globe, with the exception of China, is involved in the political determination, while the sale of more or less of woollens, hardware, and cotton, together with the prices of bohea and hyson, will be affected by the other. But, say the Gladstones and the Croppers, let any experiment be tried upon India, so that Liverpool be not disappointed. Mr. Rickards, the author of the work that stands first in the list of those, the perusal of which has suggested the observations to be offered by us on the general question of Indian affairs, is already known to the public, as having taken an active part in the discussions of the House of Commons on the last renewal of the Company's charter; he was one of the most remarkable of those who, not belonging to the Government, supported the opening the trade with India to the unrestricted enterprise of individual merchants; he was still more remarkable as being almost the only person that had held high office in India, who contended for the free admission of Europeans to the interior of the country, and who broadly maintained the capacity and inclination of the natives of India to become generally consumers of English produce and manufactures. In these opinions, he was opposed to Mr. Hastings, Sir Thomas Munro, Sir John Malcolm, and many others distinguished by personal ability, and practical experience. We are quite ready to admit that the vast extension of the export trade in cotton goods has fully justified Mr. Rickards' predictions, and that he had a much better insight into the possible effects of superior skill and machinery in working up articles for general use than belonged to his opponents. The result has, we believe, even exceeded Mr. Rickards' anticipations; the plodding and lowly-paid weaver of India has been driven from his rude and hereditary loom, by goods from England, from cotton grown on the fields of this country. Of the supporters of free trade to India, the supply of the natives would, if left to

unrestricted mercantile enterprize, furnish an immense demand for British manufactures, was met by two counter allegations, first, that the natives were unable to purchase the alleged quantity of manufactures at a remunerating price, from poverty; and secondly, that if even that cause did not exist, the difference of habits, and the inveteracy of religious prejudices, would prove obstacles equally insurmountable. This latter class of objections is, up to a certain point, successfully combatted by Mr. Rickards in the first part of the work which we are examining. It is however but right to observe, that the present state of the trade in cotton goods, in itself, so completely establishes the fact of the general consumption of British manufactures by the natives of India generally, that although the disapproval of the inflexible distinction between castes is interesting as a question of social and religious institutions, the practical possibility of the further extension of the supply of manufactures is not materially affected by that disapproval.

That the Hindoo community was, in the golden age of its social organization, divided into four tribes, the Brahmin, the Cshatrya, Vaisya, and Sudra, the very authorities cited by Mr. Rickards sufficiently prove.

' In Mr. Halhed's translation of the Gentoo code of laws, we have a preliminary discourse by the learned Pandits who compiled the original work; in which it is stated, that for some time after the creation, things went on so admirably under this quadruple division of castes, that there was neither magistrate nor punishment; neither injustice, oppression, nor crime; but, in process of time, lust and anger, and avarice, and folly, and arrogance, and drunkenness, became so predominant as to withhold men from actions of piety, and to lead them to all wickedness; and thus employed in occupations of debauchery and iniquity, they sunk into the licentiousness of eating things forbidden them to eat, and uttering words forbidden them to utter.' ' During this time of universal impiety and sin, an intermixture of the tribes took place; and from intermarriages, and illegal connexions of the four principal tribes, arose a host of mixed tribes, under the general denomination of Barron Sunker.'

We do not suppose that the state of purity has subsisted at any period so proximate to the present, as to furnish any practical argument; it is of more importance to know how far the

occupations of the Hindoo are really affected by the separation or mixture of tribes ; and we therefore call the attention of our readers to the statement of Mr. Colebrooke, than whom no European has more deeply investigated, or more completely mastered all that relates to the language, literature, and religion of the Hindoos, thus quoted by Mr. Rickards in page 20 :—

‘ A Brahman, unable to subsist by his duties, may live by the duty of a soldier ; if he cannot get subsistence by either of these employments, he may apply to tillage and attendance on cattle, or gain a competence by traffic, avoiding certain commodities. A Cshatrya in distress may subsist by all these means, but he must not have recourse to the highest. In seasons of distress a further latitude is given. The practice of medicine, and other learned professions, painting and other arts, work for wages, menial service, alms, and usury, are among the modes of subsistence allowed both to the Brahman and Cshatrya. A Vaisya, unable to subsist by his own duties, may descend to the servile acts of a Sudra : and a Sudra, not finding employment by waiting on men of the higher classes, may subsist by handicrafts ; principally following those mechanical operations, as joinery and masonry, and practical arts, as painting and writing, by which he may serve men of superior classes ; and, although a man of a lower class is in general restricted from the acts of a higher class, the Sudra is expressly permitted to become a trader or a husbandman.’ ‘ Besides the particular occupation assigned to each of the mixed classes, they have the alternative of following that profession which regularly belongs to the class from which they derive their origin on the mother’s side ; those at least have such option who are born in the direct order of the classes. The mixed classes are also permitted to subsist by any of the duties of a Sudra, that is, by menial service, by handicrafts, by commerce, and by agriculture. Hence it appears, that almost every occupation, though regularly it be the profession of a particular class, is open to most other classes, and that the limitations, far from being rigorous, do in fact reserve only the peculiar profession, that of Brahmana, which consists in teaching the Veda, and officiating at religious ceremonies.’

This opinion disposes of any serious difficulty to commercial intercourse with other nations, as derived from the allotment of certain occupations to particular tribes ; and we consider Mr. Rickards quite borne out in the assertion, ‘ that the great body of the ~~it~~ composed of mixed tribes,’ to whom as Mr.

Golebrooke justly observes, almost every occupation, save the sacerdotal, is open. An opinion being very generally entertained, that the Hindoos, in obedience to the primitive ordinances of their religion, abstain altogether from animal food, Mr. Rickards has devoted many pages to prove its fallacy as a general proposition, and cites from Sanscrit authorities the many circumstances under which Hindoos of all tribes may consume fish, flesh, and fowl. One or two quotations on this head will perhaps satisfy our readers ; the authority is Bhrigu, the son of Menu. This learned Hindoo jurist declares

' flesh meat the food of the gods,' and that it is ' only prohibited where it has not been first touched while h^{oly} texts are recited.' ' No sin is committed, who having honoured the deities and the manes eats flesh meat. He who eats according to law commits no sin even though every day he taste the flesh of such animals as may be lawfully tasted; since both the animals who may be eaten, and those who eat them, are equally created by Brahman.'

Another comfortable dictum of the jurist is, that, (page 59) ' in lawfully tasting meat, in drinking fermented liquor, in caressing women, there is no turpitude, for to such enjoyments men are naturally prone ; but a virtuous abstinence from them produces signal compensation.' Who, in reading these judgments of the learned Bhrigu, will not exclaim ' a Daniel come to judgment—yea, a Daniel !' It would however seem that, even in the days of Bhrigu, a superstitious abstinence from animal food was prevalent, for (page 59) he is thus quoted : ' he who engaged in holy rites according to law refuses to eat flesh meat shall sink in another world, for twenty-one births, to the state of a beast.' This is indeed a dreadful denunciation, and it is difficult to conceive how (assuming the text to be fairly translated, for we must confess that we have not consulted or searched for the original) the practice of abstinence from animal food has become so general amongst the Brahmans, for such, with every respect to Mr. Rickards, we assert to be the fact in most parts of India. Mr. Rickards' personal experience is chiefly derived from a residence at Bombay ; the population of which, from geographical situation, and from having been

for two centuries an European settlement, is exceedingly mixed. The Hindoos are descendants of Mahrattas, notoriously lax in religious observances ; and we can assure our readers, that many like ourselves have been startled by Mr. Rickards' statement in page 52, 'that there are Hindoo families of wealth and respectability, persons indeed who claim descent from the second or Cshatrya caste, in which the meats and fish furnished from the markets, set apart in the town and island of Bombay for the Hindoos, enter into their ordinary and daily meals.'

Mr. Robertson, whose able and unpretending pamphlet we confidently recommend to our readers, adverting to this part of Mr. Rickards' work, after admitting that 'deer and wild boars are feasted on by the Hindoos of all, excepting some few of the Braminical castes,' says, page 5, 'The man who eats a bit of the deer which has been killed by a European, would die of starvation rather than eat a morsel of the meat which his hand had touched, or (as is known to every officer who has ever sailed with sepoys) eat a mouthful of provision of any kind cooked on board a boat or a ship.' To this statement we will add our own knowledge, as a limitation to the alleged consumption of animal food by Hindoos, that, amongst our Hindoo sepoys, not a tenth part will be found, who do not from religious motives, or prejudices of caste, abstain from meat. Mr. Robertson justly adds—'The chief scope and end of this part of Mr. Rickards' work appears to be to establish that the richer a Hindoo is, the better will he live ; and the more wealthy we make him, the better customer we shall find him ; and to this position most people will readily subscribe.'

The only purpose which we have had in endeavouring to correct the unqualified assertions of Mr. Rickards on this intrinsically unimportant point, is, lest an inference should be drawn from an unqualified admission that in point of fact no such differences, religious or social, exist amongst the great mass of the Indian population, as to require any correspondent peculiarity of judicial or financial administration. Modern utilitarians arrive at most extensive conclusions with surprising rapidity, and from very limited premises. With such the following argument would not be without weight.

Men, pretending to local information, have asserted that the Hindoos do not eat meat; but we now find that they eat as much meat as Englishmen, that is, when they have the means to buy it: therefore, being in this, they are in all respects like Englishmen, and are immediately susceptible of being governed, and taxed by the same laws and upon the same principles. Mr. Rickards' own experience of India will, we feel assured, prevent him from advancing so far; but we think that the earnestness with which he has pressed this introductory and incidental point (upon which unquestionably there has been partial misapprehension) has an appearance of rhetorically predisposing the minds of his readers, to find equal inaccuracy in all the statements of those, who uphold the expediency of retaining the present system of Indian administration, as being one most adapted to the circumstances of our rule, and to the social organization of the people. We do not pretend to quarrel with such rhetorical manœuvres, but we do object to the following passage (page 41) :—

' If the paths of prosperity were really open, we might at least expect to see them entered by those who have neither castes, nor prejudices, nor Brahmans to oppose their progress; but, unhappily, an universal pressure of overwhelming force bears down all alike. Men of caste and men of no caste are equally its victims, and exhibit one uniform picture of pauperism and degradation. Driven by the irresistible rigour of their rulers to practices of evasion, fraud, and duplicity, they are equally lost to the feelings of patriotism. Indifference to life and its concerns, indolence and crime, complete the series of effects; and people, thus loaded with oppression, have these, its most ordinary symptoms, imputed to them as indelible vices of their own natural disposition and character.'

Our readers are already aware of the estimation in which we hold some of the opponents of the East India Company, and the little notice to which we think their publications entitled; but these sentiments, coming from Mr. Rickards, who, from his long residence in India, and the high official situation which he held there (that of Member of Council at Bombay), is naturally looked up to as a competent authority on Indian affairs, are calculated to convey a most erroneous impression of the system under

which India is now governed, as well as of the character of those to whom the details of that government have been entrusted. The second part of Mr. Rickards' work, which contains a very well executed Historical Sketch of the State and Condition of the Natives of India under former Governments, does indeed bring down those governments to the same level of vituperation with that of the East India Company ; but if such were the fact—if Englishmen had administered a vast empire for near a century, with all the indifference to civil rights that marked Pagan and Mahomedan despotism—no time should be lost in making a change, and no language could be too strong in holding up the delinquent administrators, past and present, to the execration of mankind. But here again Mr. Rickards has played the rhetorician : he denounces the fiscal administration of the Hindoo and Mahomedan rulers of India ; and, as the third part of his work is applied specially to attack the revenue system at present prevailing in the British territories—a system which undoubtedly rests upon the rights acquired by a succession to the authority of the preceding sovereign—the denunciation is equally applicable to the East India Company. Mr. Rickards will, we think, be found, in the third part of his work, to have rendered the details of Indian land revenue more interesting to the general reader than any of the numerous authors who have preceded him : he has taken great pains to inform himself, and must have toiled through many folio volumes of published official papers, to have completed the abstract which he has given of the revenue proceedings at the Presidencies of Bengal and Fort St. George. The whole system meets with his unqualified condemnation ; and his great object is to prepare the minds of his readers for the admission of his own views, by establishing the complete ignorance and error of all the authorities, at home and abroad, by whom that system has been hitherto administered.

Mr. Rickards is very anxious, in the first instance, to set aside the proprietary right in the soil attributed to the East India Company, as derived from the former sovereigns. In this, however, it is but right to state that he does not stand alone ; for, if that right was generally maintained and acted upon in 1793 by Lord

Cromwellis, its foundations have since been most rigidly examined by the revenue officers of the East India Company ; and we may add, that no recent measures of revenue administration have been founded upon the assumption of it. The point does not, however, appear to us of much importance : the revenue of the state in India has been for ages chiefly derived from the land, and has practically been paid by the cultivator. Under despotic forms of government, whether Hindoo or Mahomedan, the sovereign, taxing the subject, had no restraint but his own prudence and inclination : taxation, however, under a despotic government that is not positively barbarian, must be conducted by certain regulations, and must in amount bear something like a fixed proportion to the general income of the nation ; hence in India the demand of the government upon the agricultural income was fixed rather periodically, than permanently. Now, whether the tax levied from the land rested upon the proprietary right of the sovereign in the soil, or upon his general right to levy upon all and every property of the subject, the necessity of payment was equally inevitable. The East India Company succeeded to the rights of the native sovereigns ; and in those rights stood foremost that of raising revenue for the purpose of maintaining the government.

If the words of the grant from Shah Alum to the East India Company be deemed conclusive, the Company, even according to Mr. Rickards, only became the financial minister of Bengal, and could not therefore possess a right to alter the whole system of revenue, or to introduce the principles of European taxation within the territories of the Mogul. But such technical controversy is quite useless. The East India Company have become sovereigns of an empire in India, exceeding in extent that of either Hindoo or Mahomedan monarchs ; and as each acquisition of dominion has been attended with proportionate charge of maintenance, it has been for the conquering authority to determine from what sources sufficient revenue was to be obtained. The usages of the country and the state of society had established a land-tax as the principal source ; and as the financial necessity was immediate, there was no time for alteration or experiment. This position,

indisputably true in the last century, is not less so now, and philanthropists and utilitarians may declaim and deplore, but the land-tax of India can no more be abandoned, than the duties of the customs and excise be dispensed with in Great Britain. It is a sad matter that a poor labourer in England cannot drink his pot of beer without having paid a large per centage on its value to the revenue ; and it is equally deplorable that the cultivator in India must pay a per centage upon the produce of his field to the state. Both are abstractions from the comforts of the individual, and the excuse for both is simply expressed by the word *necessity*. Let us not be mistaken for advocates of a land revenue raised, like that of India, from a population of cultivators scarcely placed above the class of day-labourers, as a measure of general finance. We are aware that such a system implies a state of society in which little progress can have been made towards stable prosperity ; and that uncertainty of receipt to the state, and repression of accumulation among the subjects, are its inevitable accompaniments : we are also aware that indirect taxation, the least objectionable mode of levying revenue, as requiring the least interference between the state and the people, cannot be pressed to a productive extent in such a condition of society. But the government of India, with which we are now dealing, has had no option : the land has been, is, and must long continue, the main prop of our fiscal system ; and the only question is, how that system can be best administered.

We shall now proceed to bring very briefly, before our readers, and with the least possible use of technical or foreign terms, the controversy which has so long subsisted amongst the Indian authorities in England and India on the question thus propounded. In justice to those authorities we must, however, state our deliberate conviction, that it is utterly impossible to read the voluminous collections of official documents, without admitting that there has been common to all, an anxious wish to combine improvement in the condition of the people, with the satisfaction of the necessities of the state. In our judgment, too, the mode in which this great subject has been treated reflects the highest credit on the revenue servants of the East India Company ; but, in the ardous

of controversy, the different systems have received from the conflicting parties descriptions, which certainly furnish Mr. Rickards with offensive weapons against all.

The land revenue of India has been collected under three different systems,—the first, the Zemindarry Settlement, or contract with an individual renter; secondly, the Village Settlement, or contract with the principal members of the village community; and, thirdly, the Ryotwar Settlement, or contracts with the cultivators individually. It is obvious that, looking at these systems generally, the first, admitting the solvency of the contractor, is recommended by administrative convenience and fiscal security; the second by those advantages in a lesser degree; while the third seems inferior to both in those important circumstances;—the practical efficiency of all must depend upon such an adjustment of the assessment to the means, *communibus annis*, of the cultivators, as shall ensure a receipt that can be calculated upon as a fixed amount. The Emperor Akbar, who, like all enlightened despots, knew that the prosperity of the people constituted the real strength and resources of his empire, was anxious to regulate the land revenue upon this principle. Our readers will find in Mr. Rickards' work (pages 299 and 300) a very full account of the means taken in his reign for framing a standard assessment. To ensure the payment of the assessment, a variety of small taxes upon other species of property, and upon persons, were remitted, and a general survey and classification of the arable lands was made, and recorded by the proper officers in districts and villages. Supposing this work to have been accurately and judiciously executed, there would only have remained, to fix the demand of government at such a moderate rate as to ensure its permanent realization. There is no reason to doubt the accuracy of the survey and classification, as far as such a result was attainable, but there can be no question that the assessment was too high. In the progressive decay of the imperial government, and during the total subversion of regular authority that ensued, the principles upon which the assessment of Akbar had been fixed were abandoned, and the people were left to the exactions of petty despots, whose rule was

too unstable to give them an interest in the permanent prosperity of the country. The settlement under Akbar and his successors, whether on the imperial throne or as independent rulers of provinces, may be considered as Zemindarry, that is, one individual was, upon a fixed allowance to himself, answerable for the government revenue, whether that revenue was levied from the cultivator in produce or in money. We refer our readers to the 'Observations on the Law and Constitution of India,' for a very able exposition, as well of the Mahomedan law, on the subject of land revenue generally, as of the particular land tenures in India under the Mahomedan government. It there appears, according to the Mahomedan law, the cultivator was held to be the Rubool Uz, or lord of the soil, and that the parties to the collection and payment of the revenue, were the sovereign or his servant, and the cultivator; that the Zemindars of India were the servants of the crown collecting and held responsible for the revenue, is sufficiently proved by the abstract grant (given in this work) of the Zemindary of Bishenpore to Chytun-Sing, p. 43:—

'The sumud is addressed to the muttusuddees, choudries, canoongoes, talookdars, ryots, and husbandmen of Bishenpore, setting forth that the "office of Zumeendar has been bestowed on Chytun-Sing," and certain conditions are specified. He is to pay a pescush of one hundred and eighty six mohurs and two anas, to be conciliatory to the ryots, so as to increase cultivation and improve the country; to pay the revenue of the government into the treasury at stated periods; to keep the high roads in repair and safe for travellers; to be answerable for the property of travellers, if robbed; to render and transmit the accounts required of him to the presence every year, under his own and the canoongoe's signature. Then the jumma of rent to government is stated.—

	Rupees
Perganna of Bishenpore, one mehal	. 37,529 4 0 0
Do of Shapore, one mehal .	<u>96,374 9 1 2</u>
Total jumma, or gross revenue .	<u>1,29,903 13 1 2</u>

We are then given the muchalcah, or written obligation given in by the nominee. He promises to be diligent in the discharge of his office; to be mild and conciliatory to the ryots, to increase the cultivation, to

pay the revenue to government regularly into the treasury at the stated periods, to transmit the accounts, signed by himself and the canoongie, regularly. We have finally the security for his person, of the canoongie of Bengal, "that the office of zumeendar, having been bestowed upon Chytun-Sing, I will be security for his person," &c. So far, therefore, as the holders of large zumeendares, such as many of the zumeendars of the province of Bengal are, it will probably not admit of dispute that their tenure was official, and that the bona fide milkeent (ownership) of the soil did not rest in them.'

In the social confusion which immediately preceded the acquisition of territorial dominion by the East India Company, the official and municipal machinery belonging to the fiscal administration of the provinces, under the better days of the Mahomedan rule, had become generally deranged, if indeed it may not be said to have been wholly laid aside. The cultivator still paid his land tax, but he paid, not according to a standard assessment, but by exactions uncertain and exorbitant. The honest and unremitting exertions of those who administered the provinces acquired by the East India Company, were early directed to remedy these evils, and to restore a fixed rate of assessment, upon which the cultivator might rely as the maximum of the demand to be made upon him by the state. In the selection of papers published by the Court of Directors, vol. i. pp. 436 *et seq.*, will be found the discussions in the Council of Bengal, in the year 1776, on the best mode of effecting a settlement of the land revenue. Mr. Hastings, whose capacious mind abounded in practical views of all questions of state policy, pressed the necessity of 'being previously furnished with accurate statements of the value of the lands, as the grounds on which it was to be constructed.' His great object was declared to be, 'to secure the ryots the perpetual and undisturbed possession of their lands, and to guard them against arbitrary exactions on the part of the zemindars.'

Mr. Hastings justly considered the cultivator, or ryot, as the proprietor of the soil, and the zemindar as the contractor with, or officer of, the government. Mr. Francis took a different view of their relative situation. He says, 'this state does not consist of nothing but the ruler and the ryot, nor is it true that the ryot is

the proprietor of the land.' Mr. Hastings, from his influence as Governor-General, succeeded in carrying the specific measure then under discussion, and an office was created for the express purpose of compiling and comparing the accounts of past collections, and of ascertaining the actual value of the lands under cultivation. This inquiry was not, however, systematically pursued; the views of Mr. Francis, after a lapse of several years, prevailed, and led to the permanent Zemindary Settlement, in 1793. This settlement affords a striking instance of the danger of substituting theoretical measures of finance, however well intended, for the established fiscal usages of a country, although those usages may have no other recommendations but practice and prescription. The objects of this settlement, were the fixing of the demand of the state upon the land, and the creation of a class of proprietors possessing the character and influence of landlords of Europe; to effect the latter of these objects the government transferred its assumed proprietary right to the zemindars, while the former was supposed to be attained by fixing the assessment at the most moderate rate, that was consistent with a satisfaction of the existing necessities of the state. We have sufficiently established the fact, that although the despotic authority to which the East India Company succeeded left them at liberty to tax their subjects to the utmost limit of their means, the right to the soil belonged, both by Hindoo and Mahomedan law, to the cultivator; and therefore that the decree of proprietary rights to the zemindars was an act so illegal and unjust, that the submission of the ryots can only have been caused by the hopelessness of resistance. On the other object of the measure, it may be observed, that to fix the assessment, without sufficient knowledge either of the past or present resources of the country, was a proceeding, the apology for which may be good intention, but which could have been conceived only by political presumption, and executed by absolute power. These rashly-created zemindars, possessing neither the influence belonging to prescription nor to personal qualifications, were unable, notwithstanding the most exorbitant exactions from the occupant cultivators, to maintain their en-

gements with the government ; repeated sales of zemindarry estates, for arrears of revenue, were the consequences, and the measure failed of attaining its professed objects, through its *enacted* provisions. This limitation to the degree of failure is, however, quite necessary; for the permanency of the ruling authority, and the improved system of its administration have not been inoperative ; the condition of the people has been materially improved, and the provinces of Bengal, Bahar, and Orissa have greatly advanced in wealth and prosperity. Such respected names, and we may add, great abilities, were connected with the revenue settlement of 1793, that its errors have scarcely to this day been fully admitted by the Company's servants in Bengal. It has been pressed upon every province as successively acquired, and it is only at the present moment that the *indispensable* necessity of its eventual introduction has been abandoned. The Village Settlement, or contract for the revenue with the cultivators, through the medium of the village municipality, though frequently resorted to as a temporary measure in different parts of the Company's territories, not having been adopted as a permanent system, does not appear to us to require a detailed examination of its past operation ; and we shall, therefore, proceed to bring before our readers the contract for the revenue with the cultivators, individually, known by the name of the Ryotwar Settlement. This system is founded upon a previously-acquired knowledge of the extent and actual condition of every field under cultivation ; to obtain this knowledge an accurate survey and estimate are indispensable, and unquestionably the difficulties may be so stated, as to appear insuperable ; nevertheless, in practice, they have not been found so. While the Zemindarry Settlement in Bengal, assuming indeed a maximum rate at the time, fixed the amount of revenue for ever, the Ryotwar Settlement more wisely declares only a permanency in the rate of assessment : the land is divided into classes, suggested by the actual state of the agriculture of the country, and the rate is fixed according to the value, number, and comparative certainty of the crops. Improvements in agriculture, whether derived from extension of that most usual source of fertility, irrigation, or

from the application of the land to the growth of more valuable produce, are attended with increase of assessment, inasmuch as the land so improved comes within the higher class of the statistical survey ; the increase of revenue is, however, neither precipitate in the period, nor oppressive in the amount, of assessment. Having thus very briefly stated the general principles upon which the Ryotwar Settlement is founded, we will, instead of following Mr. Rickards through an examination of its past operation in provinces, where, in point of fact, it was but partially and temporarily adopted, give our readers, from an essay in manuscript on the relative merits of the several systems of land revenue in India (which we trust will not be lost to the public), an account of the present effects of the system in Coimbatore, one of the provinces subject to the Madras presidency. This province has been administered, since the year 1815-16, according to the Ryotwar system, the revenue having been previously collected by village settlements. It is, however, to be observed, that there has been no change in the principal collector for thirteen years, that office having been held by Mr. John Sullivan, of the Madras Civil Service, who has displayed great ability and unremitting zeal in the execution of his very arduous duties. Our readers will see that the result has been most satisfactory, and as he is one of the most successful administrators of the Ryotwar system, so his opinion is of infinitely greater weight with us than that of persons whose knowledge is derived from controversial writings on the subject of Indian finance.

	Rupees.
‘ The number of Poonjie * caunies † occupied and paying revenue in 1815-16, was 12,03,222, which yielded	14,48,813
‘ In 1826-7 the number of Poonjie caunies had increased to 12,74,541, and the revenue to	15,01,061
‘ It has been stated that the revenue in 1814-15, the year preceding the re-establishment of the Ryotwar system, amounted to	18,88,371

* Poonjie, Land not inundated.

† Caunies. An Indian land measure.

	Rupees.
' In 1826-7, after twelve years' administration of that system, it amounted to	22,02,011
' And adding the value of seven villages granted on Shotrum tenure in 1825 (1825-6)	4,259
' The land revenue in 1826-7 amounted to	22,06,270
' Increase since 1815	<u>3,69,899</u>
' The statement in the annexed table will show the net settlements of government lands under the immediate management of the collector of Coimbatore for twelve years from 1815-16 to 1826-7. These settlements do not include the peishcush (tribute) paid by Poligar chiefs, Hillrent, Moturpha, and other extra sources of revenue. Including those items, the settlement (1814-15) the year preceding the introduction of the Ryotwar system, was	18,64,361
' That of 1826-7	<u>23,89,391</u>
' Increase	5,25,000

	Cannies cultivated.	Net amount of Settlement.
1814-15 last years of lease.	*	Rupees 18,64,361
Ryotwar.		
1815	13,45,424	19,83,172
1816	13,55,436	19,03,830
1817	13,23,294	19,90,387
1818	14,12,064	20,43,161
1819	14,19,746	20,54,022
1820	14,15,303	20,14,138
1821	14,18,249	20,27,127
1822	14,58,459	21,14,14
1823	14,64,136	20,77,100†
1824	14,72,844	21,59,756
1825	14,48,221	21,91,396
1826	14,44,617	22,02,011

* It will be seen by these statements that this is not a comparison between an exceedingly good and an exceedingly bad year, but a fair measure of the state of the province, when the Ryotwar system was re-established and in its present state.

* Notwithstanding the occasional intervention of bad seasons, which it is believed have materially retarded the prosperity of other pro-

* The revenue officers had no accounts of cultivation, as the villages were under the charge of the renters.

† There was a complete failure of the rains in this season.

vinces, the revenue and collections of Coimbatore have gone on steadily increasing, and that too in the most valuable branches, for whilst the increase from Poonjee lands has been only 67,993 rupees, the increase from gardens amounts to 113,973 rupees.

The increase in the cultivation of Nunjee* lands, it may be observed, amounts to nearly 6,000 caunies, whilst the increase of revenue has been only 18,494 rupees. Here therefore it is necessary to explain that, notwithstanding this great augmentation of the general revenue, a reduction was made in the assessment so late as 1821-2, that is, in the permanent demand of government upon land to the extent of 88,118 rupees, chiefly upon the rice lands.

There is, however, no necessary connexion between the settlement of the land revenue and its realization; but when we find the collections go hand in hand with the settlement for a number of years, the legitimate conclusion is, that the district is paying within its means, and is prospering. There is no instance on record of an excessive revenue being punctually collected for a number of years in succession. In 1814-15, the year before the re-introduction of the Ryotwar system, the land revenue, including village taxes, was

	Rupees.
18,64,391	
18,19,524	<hr/>
' Balance	44,867
' Subsequent collections	<hr/> 22,768
' Arrears	<hr/> 22,099
' In 1815-16 the first year of the Ryotwar system, the demand on account of land revenue, and the sundry taxes belonging to it was	21,31,868
' Collections within the year	<hr/> 20,43,475
' Balance	88,388
' Subsequent collections	<hr/> 68,592
' Arrear remitted	19,796
' In 1826-7, the demand was	23,89,891
' Collections within the year	<hr/> 23,84,144
' Balance	5,247
' Subsequent collections	<hr/> 4,164
' Balance carried forward	<hr/> 1,083

* Nunjee,—wet or inundated lands.

	Rupees.
Balance, brought forward	1,083
' Since collected	122
	<hr/> 961

' Arrears

' Lands are occasionally cultivated after the conclusion of the settlement, and brought to account under the head of extra revenue. Including these, the produce of the land revenue in 1815-16 was 21,16,761

' In 1826-7 24,10,343

' We have here the most satisfactory evidence that after twelve years of Ryotwar management, a land revenue of nearly twenty-four lacs of rupees is collected with much greater facility than a revenue of little more than eighteen lacs was before that system of revenue administration was re-established.

' We find likewise that the trade of the province has advanced in an equal degree with its agriculture. The revenue from customs, licences, and stamps in 1815-16 was

Rupees.
1,41,974

' In 1826-7 it was 2,62,690

' This, added to the increase of land revenue, shows a total increase in the public resources of nearly four lacs of rupees; and as the principal branches of the revenue are gradually augmenting, we are quite warranted in estimating the permanent addition to the income of the state from the province of Coimbatore, since the re-introduction of the Ryotwarry system, at three lacs of rupees per annum.

' But the fact of most importance is, the creation of a private property by the outlay of capital on the land. It has been stated that the greatest proportion of the garden land, and of the plantation land, is of this description. To a certain extent it always was so; but this property has increased considerably more than one-fourth within the last twelve years. The former price of this land varied from three to six years' purchase of the net rent. The present price is from four to seven years.

' No other land was saleable when the Ryotwar system was re-established in 1815. At present (1826-7), not only are rice lands irrigated from perennial streams saleable, but the poinjee, or common dry lands also, and that to a very considerable extent.

' The quantity of land in cultivation in 1826-7 was, caunies 14,44,617, of which caunies 7,16,406 are returned as saleable, at from one to ten years' purchase at the net rent. These are lands that will meet with a ready sale at these rates whenever brought into the market. A very large proportion of the remaining lands, however,

yield a landlord's rent to the owner, that is, something after the expense of cultivation, assessment, and the ordinary profit of stock. This is found by the disputes which constantly arise for the possession of such land. The desire to have it marks its value, although it may not always fetch a money price in the market.

These statements of saleable land are not derived from hypothetical data, but from returns given in by the village curnums and the ryots themselves. There is reason to believe, therefore, that both the quantity reported to be saleable, and its value, are much undervalued.

When the Ryotwar system was re-established in 1815-16, the government assessment was calculated to amount on the average to about 33 per cent. of the gross produce of the soil. By returns recently received, it appears that the proportion is little more than 24 per cent. This is according to the accounts given in by the ryots themselves, of the produce and charges : we may be sure we have the minimum of the one and the maximum of the other. It is not at all impossible, therefore, that the real proportion which the government tax bears to the produce does not exceed one-fourth. With an assessment so moderate, a ryot can have no difficulty in sub-renting his land ; and accordingly we find this to be the practice all over Coimbatore : proprietors let their lands to tenants, and draw a landlord's rent either in money or kind—they being merely responsible to government for the fixed assessment. Instances could be adduced of sales of land in Coimbatore at prices that would be considered high even in the most populous parts of England : it is sufficient, however, to state the general fact, that, in all parts of Coimbatore, a very considerable portion of every description of land has, within the last ten years, become a private and saleable property—and that by the mere outlay of capital increasing the produce, whilst the government tax has remained stationary.

In a large majority of instances this has been done by the excavation of wells, which enable the proprietor to grow two certain crops instead of one precarious crop ; for this was all he could expect when he depended upon the falling rains for his cultivation. The creation, therefore, of property of this kind, not only brings with it an increase of public and private wealth, but is a security against the effects of scarcity in bad seasons.

The measured area of Coimbatore is 7,700 square miles ; about 2,600 of which, or more than one-third, is occupied by hills and forests. The quantity of government or taxable land is caunies 21,95,480—of which caunies 4,35,587 have never been cultivated, consisting chiefly of ranges of mountains, and can hardly be considered as accessible to the plough. Of the remainder, caunies 17,69,963—caunies

14,64,860 are occupied and pay revenue, and 2,95,103 caunies are capable of being cultivated, but are waste. Of this waste, however, caunies 2,21,724, or more than 75 per cent., are to be found in the five talooks which border on the hills; and where, from the prevalence of wild elephants, and the unhealthiness of the climate, improvement is much retarded. The proportion which the occupied lands bear to the cultivatable waste in the nine talooks, which are free from these evils, is in—

" 1. Cheoor	84	per cent.
2. Dharapooram	86 $\frac{1}{2}$	"
3. Parindorie	88 $\frac{1}{2}$	"
4. Caroor	93 $\frac{1}{2}$	"
5. Eraad	96 $\frac{1}{2}$	"
6. Kangyem	97	"
7. Pollanchy	97 $\frac{1}{2}$	"
8. Pulladam	98 $\frac{1}{2}$	"
9. Checkragherry	99 $\frac{1}{2}$	"
<hr/>		
Total	842	
<hr/>		
Average	93 $\frac{1}{2}$	per cent.

" Of the uncultivated waste, or the waste that has never been cultivated, viz. caunies 7,30,620; caunies 6,40,147, or more than 87 $\frac{1}{2}$ per cent., are with five hill talooks, leaving only 90,473 caunies to be divided amongst the nine talooks, in which there are no natural checks to improvement—so that the proportion which the occupied lands bear to the waste of all descriptions, in that part of the province, where a gradual accumulation of stock, population, and capital might be looked for, is as follows:—

" 1. Cheoor	82	per cent.
2. Dharapooram	86 $\frac{3}{8}$	"
3. Parindorie	84 $\frac{1}{2}$	"
4. Caroor	91 $\frac{1}{2}$	"
5. Eraad	95 $\frac{1}{2}$	"
6. Kangyem	96	"
7. Pollanchy	96 $\frac{1}{2}$	"
8. Pulladam	98	"
9. Checkragherry	98 $\frac{1}{2}$	"
<hr/>		
	880	
<hr/>		
Average	92 $\frac{1}{2}$	

" Of the occupied land—viz. caunies 14,64,860, caunies 9,991,001 pay

the full standard assessment; caunies 84,773, a reduced assessment which gradually advances to the standard; and the remainder, caunies 3,72,289, the pasture tax, or one-fourth of the full assessment on arable lands, which is paid only when these lands are brought under the plough. The original valuation of all government lands in Coimbatore amounted to rupees 39,55,415. By subsequent reductions in the survey rates, chiefly of the Poinjec assessment of the southern division, amounting to rupees 6,74,595, the valuation was reduced to 32,80,819. The present valuation gives rupees 32,72,540, being an increase of nearly a lac of rupees in the government demand on the land, as it stood after the last revision of the assessment. The source of this increase is to be found in the improved condition of the lands; and there appears to be no good reason why, in course of time, their real value should not reach to the original standard assessment."

This is a description which will justify the assertion, that the Ryot-war system has effected the objects which the government of India have throughout professed, in a more complete degree than any other that has been hitherto adopted; and, consequently, that the comparative view of its merits taken by Mr. Rickards is erroneous. We are, nevertheless, as sensible as Mr. Rickards can be of the theoretical objections to such a mode of collecting the land revenue; and there is one from which we cannot escape, namely—the bringing the officers of the revenue into direct and constant intercourse, absolutely with millions, for the payment of the dues of the state; but we believe that Indian statesmen, if they mean securely to administer the great and peculiar empire entrusted to their charge, and more especially the revenue affairs of that empire, must follow the dictum of Mr. Hastings, who, in reply to the objections of Mr. Francis, in 1776, said—‘More used to the practice of business than to speculation, I beg to be excused from discussing these propositions as general and abstract questions; and instead of considering them as principles, which are equally applicable to any country, I wish to confine them merely to the revenue of India.’ It appears to us, that if the necessities of the state can only be satisfied by resting upon agricultural produce at the great source of revenue, policy, as well as justice, require that the rate should be lower than any that has been yet generally adopted. Even twenty per cent., as the government share of the

produce, must be considered a very questionable maximum, especially when that demand is leviable from proprietors, the majority of whom can scarcely be said to possess capital enough to render them independent of a single bad harvest. With the reservation contained in the minute of Mr. Hastings, which we have quoted, it is for Indian financiers to examine, whether a consolidation and modification of the other sources of revenue already existing may not enable the government to reduce the assessment on the land ; and whether, by a more extended application of the principle of village municipalities, the assessment of the revenue generally may not be effected through the instrumentality of the natives.

Our limits will not allow of our pursuing the views which we entertain on this part of the subject; but the growing and immediate interest belonging to all questions connected with India will justify us in doing so on another occasion. We now take our leave of Mr. Rickards ; and although we have felt it our duty to dissent from the spirit in which he has written the first part of his work, and have consequently endeavoured to place the subjects of which he treats in a light more calculated to obtain a fair examination, we have not been insensible to the merits of the work itself, nor wanting in the respect due to the opinions of Mr. Rickards, who has been the consistent and manly opponent of the East India Company ; and the fulfilment of whose anticipations in 1813, respecting the trade to India, must with all entitle him to attention, and, with many, will obtain for him implicit confidence. In the first portion of his work, Mr. Rickards has laboured to destroy from the foundation the present fabric of Indian government ; and we anxiously look to the second part for the plan of the new edifice which he proposes to substitute. The elevation, we have no doubt, will be pleasing to the eye ; but we cannot but think that before the building could be erected, or occupied, so many alterations would be required, that its intended inmates would have often reason to regret the shelter and substantial comfort of their old dwelling, though its exterior had been censured for an unsightly mixture of European and oriental architecture.

We apprehend that the administration of justice in India fur-

nishes more just ground of animadversion than the collection of revenue ; and that, although some progress towards amelioration has been made of late years, there are defects in the system itself which call for more extensive alterations than have yet been attempted. Delay is the main defect in the judicial system of India. The first and great cause of this delay is the want of *legal* knowledge and *legal* education amongst the judicial servants of the East India Company ; the second, is the multiplication of appellate jurisdiction ; and, lastly, the very limited employment of the natives in this branch of the public service. It is satisfactory to know that each and all these defects are susceptible of remedy : legal knowledge can be made an indispensable qualification ; final jurisdiction in the first instance can be increased ; and, above all, the employment of natives in judicial offices can, and ought to be, extended.* We do not hesitate to say, that no English gentleman should preside in a civil court who has not the same qualifications as to knowledge of the laws of India—British, Mahomedan, and Hindoo—as would be required from a judge similarly circumstanced in Europe. Years must be passed in acquiring this knowledge ; but years will be saved in the dispatch of judicial business. The minute distribution of property in India, the numbers of the population, the religious character of that population, and the distance of many districts from the seats of government, render the present system of successive appeals, and the consequent necessity of recording law proceedings, wholly inconsistent with the due and speedy administration of justice. Delay operates as denial ; and the only effectual remedy is to employ legally qualified persons on the bench, and to trust them with a greater extent of final decision. In regard to the introduction of natives into the judicial departments, we have to observe that, to be really useful, the class of employment must be much raised. Adequate remuneration will, amongst them as elsewhere, purchase talent and official integrity. But, it will be said, the employment of natives of India must supersede that of the natives of Great Britain. Be it so : in this supercession, however, the government of India will be

* Measures are in progress for extending the employment of natives in the administration of justice.

'doubly benefited—first, by the reduction of expense; and, secondly, by creating an official aristocracy among its subjects, attached by the ties of interest to the necessarily unstable rule of foreigners.

All persons practically acquainted with the operation of the existing courts of judicature in India, know that the judicial business, especially in the district courts, is beyond the physical strength of the individuals employed to get through; and that, notwithstanding the great charge incurred for establishment, the number of judicial officers is not sufficient: the charge cannot be augmented, and therefore a change in the system, and a substitution of a less expensive machinery, are the obvious remedies. European agency must be confined to the very highest offices of executive and judicial administration; and even in these there should be native co-operation. Absolute monarchy is and must be the character of the British government in India, whether that government be administered directly by the Crown, or through the medium of the East India Company. Much confidence must be reposed in the European servants holding the higher offices of the state; and while much must be left to their original decision, incompetency and malversation must be guarded against by certain dismissal, or more severe punishment. Confident of the good intentions of the government, and convinced of its determination and power to carry these intentions into effect, the native population would not, in the present time, submit to the oppression of individuals; in fact, they would obviously be more disposed to appeal against the acts of a public officer, from which the paramount authority might dissent, than from established regulations which had emanated from that authority itself. The native subjects of the British government in India have, from the separation in race, language, manners, and religion, between them and their rulers, been excluded from any voice in the legislative measures that have been applied to their country; no social intimacy has arisen between the officers of the government and the people, by which the former might become practically, and confidentially, acquainted with the wants of the nation, and the tendency of public opinion. Great anxiety has no doubt been felt and displayed

to govern with justice and consideration towards the natives, but the want of knowledge has been, and is still felt; nor is it far from truth to say that, in several instances, more lasting evil has been inflicted by legislating on benevolent but inapplicable principles, than could have been effected by the positive mal-administration of individuals, whose power to injure would at least have been limited by the short duration of their official authority. We repeat, that the elevation of the natives in the scale of official employment, so as to secure their participation in, and co-operation with, our civil administration, are the means by which alone we can secure the certainty that our legislation is adapted to the people, and that the best intended schemes of improvement will not, like the Zemindarry Settlement in Bengal, prove utterly abortive. We affirm that this important result is to be obtained through the natives,* and that it can derive little acceleration from the much-recommended measure of colonization.

Upon the subject of colonization, as bearing more seriously upon the internal government than upon the trade, we shall here offer a few observations, by which we hope to convince our readers that, even according to the admissions of the advocates for colonization themselves, the effect, in improving the civil institutions of India, may be taken as a negative quantity, while the difficulties are immediate and positive. The author of the pamphlet on 'Free Trade and Colonization to India,' thus expresses himself, page 68 :—

'The colonization of India, as may be seen from this statement, is impracticable; but although there may be no room for colonization, there is ample room for settlement in a country of fertile soil, far more thinly peopled after all than any part of Europe, and a country, too, without capital, knowledge, morals, or enterprise.' The same author had said, page 66 :—'Colonization in India, in the strict meaning of the term, is impossible, without the extermination, or the very next thing to it, of above one hundred millions of human beings; we might as reasonably talk of colonizing Ireland and exterminating the Irish.'

* The example of the Romans is in this respect worthy of imitation. The proconsul chose annually twenty of the most respectable men of the province, who sat with him in council. The proconsul passed sentence according to the opinion of his council.

In page 67:—‘The British territories in India are peopled throughout to the extent of one hundred and twelve inhabitants to a square mile.’

These descriptions will scarcely consist together. If the first were true, and India far more thinly peopled than any part of Europe, there would be ample room, not only for settlement but colonization; but, on the other hand, the estimate of one hundred and twelve inhabitants to a square mile, as given by the author, exhibits a population exceeding that of the Spanish monarchy, within a small fraction equal to that of Portugal, and being to the Austrian dominions in the proportion of sixteen to eleven. Moreover, the happy allusion to colonizing Ireland, justifies us in believing that the author had some notion of attributing a dense population to India, although, in page 68, he discovered that ‘it was far more thinly peopled, after all, than any part of Europe.’ Again, ‘at page 68:—‘We have said, that there is no room for colonization in India, at least for European colonization.’ This, however, is to be taken with some exception, for, according to our author, ‘many of the rich valleys of the great snowy range, for example, would, for room, temperature, and salubrity, admit of the settlement of European colonies.’—‘Even in some of the warmer parts of India colonization is not impracticable.’ In short, although Mr. Whitmore has not hesitated to adopt this pamphlet as the ‘substance of his speech,’ our readers will perhaps, with us, hesitate in bestowing their confidence on an author, who exhibits such pleasing variety of opinion in the space of three pages.

The practice of the Romans, and the example of the Turks in Europe, of the Tartars in China, and of the Mahomedans in India, have been brought forward to support the measure of colonization. We presume that those who have cited the Romans have overlooked the circumstance that the British empire in India, as far as any analogy can be stated, resembles a Roman province and not a colony. We submit, also, to those accidental admirers of antiquity, that the *Census Capitis*, the *Census Soli*, and all the arbitrary additions to the land revenue, whether paid by the *Stipendiarii* or the *Vectigales*, that is in money or produce, were quite as oppressive as the land revenue of India. The power, also, of

the proconsul, who united in his own person the whole executive and judicial authority, was probably administered with as little regard to the feelings of the inhabitants, as can be attributed to the East India Company. There is, however, one branch of the Roman practice which would not be considered objectionable. Planters were occasionally sent from Rome to the provinces, to dispossess the inhabitants, and thus introduce the energy, skill, and capital of the conquerors. In fact, no real analogy exists between a Roman province and the British territories, but as far as a comparison can be drawn, there is no branch of administration in which that of the latter has not a decided advantage, whether the controul of the paramount authority, or the condition of the subject province be considered. In comparing the establishment of the Turks in Europe, and of the Tartars in China, or of the Mahomedans in India, with that of the East India Company in the latter country, it is to be observed, that in the three first instances, the conquerors, including the sovereign, his court, and his army, adopted the country conquered as their own ; the wealth which they first acquired as booty in war, and the produce of the lands which they afterwards seized by the right of the strongest, were consumed in the country ; the result was, that the government, however despotic, became national, and the conquerors and the conquered took root in the same soil. The British conquest of India, on the contrary, has not been effected by any great national effort or migration ; the sovereign has remained at the other extremity of the globe ; in truth, his existence and character must seem, to the people of India, rather legal fictions than realities ; the officers conducting the executive government, whether military or civil, come from that distant quarter, and are in constant succession of return ; the merchants, artisans, and all who acquire wealth, are labouring for the same object, and there consequently appears no disposition among those classes, to whom the conquered people look up for the intention of the sovereign, of naturalizing themselves in the country. Under such circumstances there can be no social intercourse, and the continuance of the government has rested upon the operation of acci-

dental, and not of permanent causes. The total dissimilarity between the social condition of England and that of India forbade, in the first instance, the introduction of English institutions among the conquered people; from whom, on the other hand, as being inferior in knowledge and civilization, the conquerors had nothing to learn or adopt. The course taken was to retain the machinery of government nearly as it existed, with only such alterations as were required for the convenience of the strangers by whom it was to be worked. The principal advantage obtained was, that the daily transactions between individuals underwent little alteration of form, and as the intention to govern with moderation was obvious, the bulk of the people had no motive for resisting the change of masters. It may also fairly be argued, that the indifference shewn by the conquerors to obtain, as individuals, possession of the soil, must have had considerable influence in securing this ready submission to foreign authority, and that any immediate attempt at colonization would, by narrowing the views of the persons administering the government, have prevented the extension of the empire. Had the settlement of British subjects been permitted, the servants of the East India Company would have been among the first occupants, and we would ask those who are now loudest in their charges of oppression and bad government, whether, under the pretext of purchase, the most unjust dispossession of the natives might not, and would not, have been effected; and whether the provinces of Bengal, Bahar, and Orissa, might not before this time have been held, like the West India Islands, by landlords in Europe, who manage their estates through agents; with less interest, however, in the welfare of the labourers, than has been evinced towards the negroes, and for the simple reason, that the latter are private property, while the former belong to the nation. It is asserted that the permission to purchase land would induce capitalists to colonize in India: from this we must dissent, for although the tenure might direct some capital to such an investment, we believe that the capitalist himself would not be more inclined to make India his permanent residence; his object would still be to return to Europe; the risk

of health would not be diminished, the liability to cholera morbus, simple and spasmodic, to fevers, jungle, and pukka,* to dysentery, and to hepatitis, would not be diminished, and the commercial adventurer, whether proprietor of the estate or contractor for the produce, would be equally anxious to establish himself in the climate, and amidst the pursuits and enjoyments of his native country. The lower classes, or the less fortunate among the European adventurers, would remain, but those are little acquainted with the state of civilization in the higher or middling classes of the natives of India, who assert, that any improvement, moral or intellectual, would be produced among them by such an addition to the population. Were there, indeed, reason to hope that the example of such persons would practically display the superiority of our holy religion, and thereby accelerate its introduction among the people of India, we should neither feel nor express a doubt as to the expediency of encouraging emigration to India; but we fear that even the higher class of commercial adventurers would not make efficient or zealous missionaries, and we are quite sure that the general conduct of emigrant artisans would not reflect credit upon the Christian faith. We so far agree with the author of 'Free Trade and Colonization,' as to admit, that even were the intercourse between Great Britain and India wholly unrestricted by municipal regulations, the absolute number of emigrants would, as compared with the population of India, be trifling, but of those who really settled, it might be said,—

‘Exigui numero, sed bello vivida virtus.’

They would wage perpetual war, with all the characteristic energy of English discontent, against the existing laws and forms of administration. Where those favoured their fellow-subjects, of Indian race, they would claim the superior privileges of British citizens; their constant cry would be an appeal unto Cæsar: on the other hand, when the grievance was common to them with the Indians, they would direct the force of numbers to

* Pukka fever is a species of bilious fever.

obtain alteration from the fears of the local government. We cannot suppose that the advocates of unrestricted settlement or colonization are prepared to contend, that the English settlers should not be governed by the same laws, in regard to persons and property, as the other subjects of the Indian empire ; and if so, we would ask whether there is the slightest probability of submission, on their part, to a system of administration founded upon principles, and regulated by a political necessity, so totally different from that of the mother country. The expression of popular discontent, through the medium of public meetings, is one of the natural phases of a mixed or republican government, but it is the precursor of revolution in an absolute monarchy. The welfare of the people ought to be, and often is, the object of this latter form of government ; but in the enactment of the laws, and in the measures of administration, the people have no voice. Are these doctrines to which English settlers would subscribe ? and yet are any other compatible with the preservation of the British empire in India ? We admit that no municipal inconvenience has hitherto resulted from the residence of Englishmen, not belonging to this Company's service, in the interior : on the contrary, we have the unexceptionable testimony of Mr. Robertson, for the advantages that have resulted from the presence of respectable British settlers ; but we must at the same time recollect, that the existing restrictions, as to residence, almost secure respectability of conduct, and at all events effectually prevent the establishment of individuals of desperate fortunes, and of profligate character. Having again alluded to Mr. Robertson, we cannot refrain from extracting his observations in reply to the reasons (assigned by the author of ' Free Trade and Colonization ') for the neglect of the cultivation of sugar by the ' British sojourners ' in India. Mr. Robertson says, p. 34—

' The reply to those paragraphs is easy, and will, I hope, prove satisfactory. The average delay attending the decision of civil suits, in the year 1825, as will be seen from the preceding table, was much under three years ; consequently, it is a gross mistake to suppose that no suit is decided in less than that period. Moreover, the aid which

the planter requires, is most frequently to be obtained in the form of a summary process; and when he has a regular suit in a court, he rarely fails to procure for it an earlier trial than, in the order of the file, it may be entitled to. With regard to the liability to be removed, it may be safely maintained, that the hazard of such a visitation is immensely exaggerated; and that, however the law may be worded, no government *dare* remove an individual, in the manner supposed, without such clear proof on their side as must suppose, on his part, a determined and reiterated violation of those laws, in knowledge of the existence of which he had taken up his residence in the country. The obloquy which the individuals exercising the discretion in this respect, vested in the government of India by law, must, under any imaginable combination of circumstances, incur, seems to be sufficient guarantee against its ever being resorted to in any but extreme cases. Without discussing the comparative value of indigo and sugar works, it may be remarked, that the collective annual outlay of the indigo planters in Tirhoot, used to be stated at about twenty-five lacs of rupees, or about 250,000*l.*; so that it seems probable that some of them must have invested capital to a greater amount than 24,000*l.* The hostility alleged to exist between the judges and the planters had no place in Tirhoot. I have myself often partaken of the hospitality of the planters, often accompanied them upon hunting parties, and suspect that, if such hostility had subsisted, some traces of it would on such occasions have been discernible; for a more independent, plain-spoken body of gentlemen can scarcely be met with. I make no comment upon the contemptuous tone that the author of the pamphlet assumes, in speaking of so large a body as the whole of the civil service in Bengal, as a deluded and prejudiced caste; but I most distinctly deny that the administration of justice is in the hopeless state he asserts it to be, and conceive my denial to merit at least as much attention as his unsupported affirmation. Before quitting this part of the subject, it is proper to mention that the indigo planters in Tirhoot and Chuprah are, as a body, very superior to those in the lower provinces, among whom, especially in the vicinity of Calcutta, adventurers are to be found whose conduct is often such as to bring disgrace upon the British character. If persons of this stamp are to be indiscriminately admitted to the interior, a few European police-officers must be attached to every magistrate's court, for the purpose of executing such processes as he may have occasion, for the preservation of the peace of his district, to issue against them. Native police-officers are most unfit persons to be employed on such occasions. If the European be refractory, he defies them, and if submissive, they abuse the power they thus obtain over him. Those

who have never seen Englishmen of the lower order in immediate contact, with Asiatics, can form but an inadequate notion of the collisions to which such intercourse is liable.'

The author of 'Free Trade and Colonization' has properly used the words 'British sojourners'; and we believe that in that very character consists the compatibility of the residence of English merchants, planters, and artisans in the interior of India, with the maintenance of the present system of government, if not with the security of the British empire in India. The power of immediate removal, either of actually turbulent or suspected Europeans from India, we consider an indispensable attribute of the executive government; and yet we cannot but feel that the exercise of it will assume a character of peculiar harshness when applied to persons who are naturalized in the country by having become landed proprietors. Such is the opinion which we entertain upon the subject of European settlement generally; and we now proceed to bring before our readers some facts that will illustrate the spirit in which the government of Bengal, with the sanction of the Court of Directors, has applied the power which it possessed of preventing the occupation, by British subjects in their own names, of lands in the interior; and we beg to call the attention of our readers to dates, for as the pamphlet on 'Free Trade and Colonization' first appeared in 1827, and a second edition in 1829, and that many other publications, of equal pretensions to knowledge and accuracy, have been put forth about the same time, the omission of the facts which we are about to state, imply either gross ignorance or wilful concealment. In 1822, Dr. Wallich, who holds the situation of superintendent of the Company's Botanical Garden in Bengal, suggested to the government, that the regulation by which Europeans were compelled, from not holding lands in their own name, to make annual contracts, as in the production of indigo, with native cultivators, rendered any attempt to introduce the culture of coffee impossible. The reason assigned was, that while the plant from which the indigo is obtained, being an annual, may be produced for, and within a season, coffee requires eight seasons to make a return to

the cultivator. Land, therefore, once devoted to the growth of coffee, cannot be readily transferred to other objects, and annual contracts for delivery of produce become inapplicable. The cultivation, therefore, of coffee, to any extent, could not be undertaken, unless the permanent occupation of the land were ensured to the planter. The government of Bengal, having ascertained that the probable advantage from the cultivation of coffee was so admitted, and sought for by British capitalists, as only to require a relaxation of the law respecting land tenures, for the commencement of the undertaking, passed a regulation in May 1824, which enabled British subjects to hold lands, employed as coffee plantations, on lease for ninety-nine years. The regulation thus far satisfied the recommendation of Dr. Wallich, but the government went even further ; and considering that, in order to ensure a fit situation for the coffee plantation, the lessee would be compelled to include other land, wholly inapplicable to that produce, added to the regulation, a permission to cultivate any other species of produce, on an estate bona fide employed in the growth of coffee. This regulation was passed in 1824, and yet in 1829 attempts are made to impose upon the public in this country a belief that the East India Company, from mercantile jealousy, employ their power, as sovereigns, to thwart every effort made by individual British capitalists to develope the resources of India. *This is indeed too bad.* We have been also informed that, by instructions originating with the authorities in England, the regulation of 1824 has been extended to lands experimentally employed in the growth of cotton. It further appears that, on a petition from the merchants in Calcutta, the government of Bengal has recently extended similar privileges to indigo plantations, and that British-born subjects can now hold lands in their own names for twenty years, and for the culture of every species of produce. Really, if matters proceed at this rate, the advocates for colonization will, when the cause comes to be heard, scarcely have materials for a brief; and the House of Commons, body of the house, and gallery, will be deprived of some very long and very sapient orations from the philosophic statesmen of the day. The merchants of Cal-

cutta allege that 'the indigo planters suffer a loss of not less than twenty-five per cent. on their outlay, from the failure of ryots (peasants) who have received advances to perform their contracts, and from the litigations and *affrays* they are liable to be involved in by the relations in which these existing regulations compel them to stand to such persons.' They also state, that 'competition among the planters has increased the cost of production from eighty to one hundred per cent.' The remedy for these obstacles to the more extended culture of indigo, although the value of that now grown has been estimated at 3,000,000*l.*, is to allow British-born subjects to hold lands in their own names. Let us examine the effect of this permission upon the native cultivators of indigo. They now stand in the situation of landed proprietors contracting, under payments in advance, for the delivery of a certain quantity of produce. The proposed measure will reduce them from the class of farmers to that of day-labourers; and as the cheapness of labour is one of the principal recommendations of agricultural speculation in India, we may fairly assume that the command of the necessaries or comforts of life among these individuals will be diminished by their change of situation. Yielding, as we do, to none in anxiety for the advancement of the natives of India in all that contributes to national prosperity and individual happiness, we cannot look upon the immediate effect of this relaxation of former regulations with unmixed satisfaction; and our objection is only removed by a confident hope, that the

union of commercial knowledge among the natives will induce those possessing sufficient capital, to embark largely in similar undertakings, so as to obtain, at least, an equal share in the advantages which the bounty of Nature has conferred on the soil of their country.

Mr. Whigham in 'The Substance of a Speech,' p. 9, says, respecting the trade to India, 'My own conviction is that, increased, we as yet know nothing of the less restrictive system, it might be carried. It is the opinion of every gentleman individual who has had means of information, that there

the East, provided a profitable investment for a return cargo could be procured in India.' We will examine these two assertions. The export trade to India, as we have already observed, has increased to a degree which fully justifies the anticipations of those who contended for opening the trade in 1814; it has increased, as stated by Mr. Whitmore, fourfold: we cannot, therefore, admit that we know 'nothing of the extent to which it might be carried.' On the contrary, there are obvious and assignable limits—the disposition of the natives to consume, and their power of payment. The first of these limits is determined by the climate of the country, the taste and the habits of the natives of India; and we will confidently ask whether, in the existing state of the laws regulating the trade with India, there is the slightest obstruction to the most extended introduction of any article of European produce, raw or manufactured, that would find a market among the people of India. As an instance, has not the experiment been fully and most successfully tried in cotton goods? What has been the increase in the export since 1814?—from 818,203 yards to 43,500,000 yards; but is the price still too high for general consumption among the population? The Indian weaver, whose month's wages would be consumed in a single merry-making by an English artisan, has quitted his employment, and has been lowered to the condition of an agricultural labourer. What will, then, satisfy commercial speculation and political prejudice? So far, however, from anticipating a further increase in the export of manufactured cottons, we have reason to believe that a diminution is a more probable event. The export of cotton twist, which has increased from eight pounds to 4,497,015 pounds, shews that a disposition to embark in the more advanced stage of the manufacture must be reviving in India; and we have been informed, that a conviction of the inferiority of British cottons, in durability of texture and dye, is fast spreading among the natives, and has already produced a recurrence to articles of Indian manufacture, by that class of customers who can afford to pay a higher price. The climate is an obvious obstacle to the unlimited extension of British manufacture. Woollen manufacture

become, in the southern provinces of India, an article of general consumption ; and the dress of the natives, adapted, as it now is, to the climate, must be altered most inconveniently, before the British manufactures connected with that branch of trade can be generally introduced amongst them. Similar observations might be applied to other manufactured articles ; and, on the whole, we see no reason for expecting any such change in the tastes and manners of the population of India, as will render their wants correspondent with those of Europeans. We are aware that at the presidencies instances may be found, in which an initiation into European vices has led to the consumption of articles of luxury, from the use of which the natives of India had hitherto abstained ;—that the wine-merchant can now reckon wealthy Hindoos amongst his customers ; but the statesman will not regard this change of habits with satisfaction, and he will surely not anticipate increased security, to the rule of a few foreigners, from an imitation of their vices, and from the recklessness of consequences, moral and political, produced by the more open display of individual profligacy. Mr. Whitmore has justly limited the power of payment for increased exports by the possibility of procuring a return cargo in India. There are two causes by which the satisfaction of this condition, indispensable to the extension of the trade with India, is prevented : the first, special and temporary ; and the second, general and permanent. The difference of the duty levied in this country upon the produce of India, and that of the West India colonies, gives an advantage to the latter in the market, beyond that which the greater distance of India would naturally ensure to them. But as parliament has imposed this difference of duty, the remedy is obvious ; and delay in the application of it can only have arisen from the difficulty of reconciling the pretensions of conflicting interests. The parties interested in this part of the question are the people of England, the people of India, and the West India planters. Sugar is so natural to the taste of man, that its consumption is scarcely less universal than that of articles of daily food. There can be no question that the present price in England prevents the use of sugar to the extent that the inclination of the great body of

consumers would carry it ; and it is no less true, that the check given by the difference of duty, to the introduction of East India sugar, by diminishing the supply, has a powerful effect in restraining consumption. The people of England are thus restricted in the use of a cheap luxury, which they would otherwise have the means of obtaining in abundance. On the other hand, the people of India, having become consumers of British manufactures to a large extent, have a right to demand a reception for the produce of their country in the markets of Britain, on the same terms as are granted to the other colonial possessions of the British crown. Were India an independent state, and such a difference made, redress would be obtained by the imposition of countervailing duties on British produce. Under present circumstances, the impossibility of finding the means of purchase, through the medium of a return cargo, is working out the same result ; and there is no alternative between receiving the gruff goods of India at the same rate of duty with those of other British colonies, and the loss of a large proportion of the present demand for our manufactures in that country. To the West India planters, however, this extended introduction of East India sugar must be attended with diminution of profit ; and it must be admitted that the cost of production, from the charge for labour in the West Indies, will with difficulty bear any such diminution. An examination, however, of the arguments by which the claim of the West India planters to continued protection is maintained, does not enter into the immediate subject of this article. We have only to remark that the East India Company and the private merchants are equally anxious to obtain a reduction on the duties of the gruff goods of India. In fact the former, as the executive government of India, are deeply interested in the facility of obtaining commercial returns from India. It is only through the medium of Indian produce that the expenditure in England, on account of territory, can be permanently defrayed ; and it must be a very secondary consideration with the East India Company whether the remittance be effected in trade carried on by themselves, or by private merchants. In the actual state of the East India trade, while the exports are pushed to the utmost

extent of the demand, indigo is almost the only article of extensive consumption which can be relied upon as a safe return. In fact the competition in this article, as a remittance, nearly equals that for bills upon England. Were the circumstances of the trade different, and had the imports from India increased in the same ratio with the exports from England, there could be no possible necessity for the government of India taking any direct part in the trade with England. Such, however, as is admitted, not being the case, the particular constitution of the authority, by which the government is administered in England, presents facilities for conducting the remittance of revenue, through the means of commerce, that would not otherwise exist.

It is obvious that the East India Company, as the executive government of India, might, upon sound principles, effect a remittance of revenue, in the form of produce, at a rate which would not satisfy the private merchant. If the sale in Europe merely covers the prime cost, the expense of freight, and of import duties, the object of the Indian government will be effected, and the expediency of repeating the operation established—while the absence of clear profit would prevent private merchants from engaging in such undertakings. There is no complaint preferred against the interference of the East India Company in the trade from England to India—but their absolute exclusion from the return trade, is one of the objects entertained by their opponents; and assertions are made that they interfere as sovereigns to secure a right of pre-emption of produce within their own dominions. We will put before our readers the facts of the case: The Company have nearly withdrawn from the import trade in manufactured goods: they still do something in the article of bandanas, but even this is about brought to a close. Anxious, however, to multiply articles for remittance of revenue, they have turned their attention to raw silk and cotton, since 1813, increased the importation, from Bengal, of raw silk, from 831,391 lbs. to 1,039,623 lbs., the private trade having, within the same period, increased from 252,459 lbs. to 96,686 lbs. The average price of raw silk, at their sales, being 17/- per lb., while the price paid

imported by private merchants is 15s. 7d. The decrease in the private importation of silk has, doubtless, arisen from the profit not being found sufficient to satisfy the merchant; and it is generally believed that, if the Company were to look at the affair in the same view, and to throw aside the necessity of making a remittance on account of government, they would also withdraw from this branch of trade. Silk, however, is the only article of import to England which the Company grow for themselves—all other articles they purchase in the market; and even with respect to silk, there is no local impediment to the application of private capital to its production.

The territorial expenses of the Indian empire, to be provided for in England, amount to 3,000,000*l.* This amount includes interest of loans, half-pay and pensions, military stores, and other miscellaneous charges. How is this sum at present realized, with the certainty which the fixed character of the charges demands?—We answer—through the trade of the East India Company with India and China. The difficulty of obtaining a return cargo in India is admitted: the scarcity of commercial bills upon England is the consequence; and were it not for the combined effects of the Company's trade from India to Europe, from India to China, and from China to Europe, in the present excess of the Indian expenditure over the Indian revenue, applications to parliament for assistance must annually be made to meet the annual deficit. The company have been enabled, from the surplus of commercial profits to pay off since 1814, 5,000,000*l.* of Indian debt, and the territorial government stands indebted at the present moment, for current expenditure, to the home treasury, in a sum exceeding three millions.

The charge upon the finances of Great Britain, for the civil and military establishments of her colonies, has often been urged to the extent of questioning the expediency of maintaining such possessions. For our own part we are entirely opposed to that opinion; but we cannot pretend to deny, that to provide for such an expenditure, as that of the territorial charges in England of our Indian empire, would add very materially to the financial cares

the Chancellor of the Exchequer. The increase in the duties of ~~Customs~~ and excise, from the extension of the trade with India and China, if that extension be assumed as indefinite, would certainly furnish the means of defraying these charges ; but what minister could venture to take upon himself a large and fixed expenditure on the faith of such an assumption ? Let us suppose that the cotton of India has been improved so as to rival in quality that of America and Egypt, the silk that of Italy, the coffee that of Mocha, and the sugar that of the West Indies ; let us add, that the price is respectively the same of each article Great Britain cannot deal with all at the same time. If the supply of cotton be obtained from India, it will not be wanted from America, and America will not buy British manufactures, the positive supply may have no limit, but the actual supply is limited by the demand ; and this vast extension of trade with India, which is so triumphantly foretold, cannot take place without reduction of trade with other quarters of the world. Neither the demand in India for British manufactures, nor the demand in Great Britain and Europe for the produce of India and China, are unlimited, and those who put the question in such exaggerated terms are as deficient in logic as in knowledge of the subject upon which they presume to dogmatize. It is curious to observe what practical monopolists these advocates of free trade with India and China really are. Indifferent to the fate of all other classes, they say to the legislature, ‘ Put the East India Company’s privileges aside, and we will undersell all who now import the produce of tropical climates ; we will extinguish the American, the West Indian, and Levant merchants ; the East, the furthest East, shall take off every sort of British manufacture, — there are three hundred millions of human beings longing to purchase every article of British manufacture, from a pin to a steam-engine : We must, indeed, allow that your hold of continental India is not very secure, and that the empire of China is, by no means, ~~an~~ ^{as} easy of access to foreigners as we could wish ; but we shall, in the first instance, do more business on our own account, in both pieces ; and after a time you may examine how far your anticipations have been

realized.' Mr. Whitmore (page 10), following his great author the author of 'Free Trade and Colonization,' says, in explanation of the disproportion in the increase of the export trade from India, as compared with the import into that country, 'This is partly to be accounted for by the stationary nature of our trade with China, from whence so large a portion of our imports is drawn in the shape of tea.'

The reflections presented by this proposition would naturally bring us to the examination of the China trade, but this article has been already extended to a length, that makes it necessary for us to postpone the expression of our views upon that important subject until another occasion; and we only now allude to the passage above quoted, for the purpose of stating the manner in which the tea trade of the East India Company is connected with the territorial expenditure of the Indian empire. The tea trade is in fact the principal channel through which the remittance of Indian revenue is effected. The proceeds of the opium, purchased at the government sales in India, and exported to China by private merchants, are paid into the Company's treasury at Canton, in return for bills drawn upon the Bengal government by the Company's supercargoes. With the funds thus obtained teas are purchased, and from their sale in England the Indian charges are defrayed. We thus find that the financial machinery of the territorial government of India is worked, as far as relates to the expenditure in England, through the trade of the East India Company; and we may add that no mode has been yet suggested, to meet that expenditure, which would secure the people of England from being annually, and directly, called upon to provide for all the varying charges of an empire ever liable to internal commotion and open to foreign attack. We earnestly press this view in order to meet an opinion entertained and expressed by many, that the sovereignty of India might be left to the East India Company, provided that they were together prohibited from engaging in trade from that country to Europe or to China. It would appear that the supporters of such an opinion have not only overlooked the mode in which

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on by the East India Company is employed to effect
the remittance from India, but have also neglected the
provision of the act of the 53d Geo. III., by which the dividend
on the capital stock of the Company is charged upon their
surplus funds; and that, on a failure in a sufficiency of those pro-
fits, the same may be charged upon the surplus Indian
revenue for preceding years. There is actually no surplus in
the revenue over the existing deficit, as far as regards the home
expenses, so that, if called from the commercial profits, the dividend
would, from the same source, and without the intervention of
commerce, an application must have been made to parliament for
an increase in the Company's dividend, but to defray the
expenses of their Indian empire. Let it be recollected
that, as the additional charges are fixed and urgent, that any mea-
sure which would materially reduce the home funds of the Indian
empire, may, that should render this amount variable, from
which, must proceed the greatest embarrassment; and that
the Board of Directors, if they accept the continued administration
of the Indian empire, at that empire and the positive uncertainty of
its future amounts, will incur a most serious responsibility, not
only to the holders of East India stock, but (notwithstanding
the responsibility of the legislature) to the nation at large.
We do not, however, entertain doubts whether a colonial
empire, with such charges be an advantage; political em-
pires, we know, are often abandoned, who will recommend its abandonment, but
we do not suppose, we are convinced that
the colonial character of the East India Company forms a
considerable objection to the present system, and that no material
improvement can be effected without endangering the efficient
and judicious government, which the Indian administration has
been unable to sustain, and, moreover, from obstruc-
tions, and combinations of several parts.

